

## **CHAPTER 501**

### **DOD CUSTOMS AND BORDER CLEARANCE PROGRAM**

#### **A. GENERAL.**

This regulation establishes Department of Defense (DOD) policy, prescribes procedures, defines responsibilities and identifies customs, agricultural and other border clearance requirements for entry and exit of selected countries of the world in support of US forces. These requirements are intended to eliminate the introduction of agricultural pests, diseases, illegal narcotics, drugs, and other contraband into the US or host nations through DOD channels. In addition, in foreign countries these procedures will allow US Forces cargo to enter duty free.

#### **B. SCOPE.**

This regulation is applicable to the Office of the Secretary of Defense, the organization of the Joint Chiefs of Staff, the military departments, the unified commands and the Defense agencies and acquisition activities, hereafter referred to as the DOD components. This regulation also applies to non-DOD agencies, including commercial vendors and suppliers under contract to DOD, and organizations who use DOD mail and transportation assets (organic or commercial) for the import/export of goods in support of programs of national interest. This regulation is intended to serve as the single authoritative source for Customs and Border Clearance processes and procedures for the countries listed.

#### **C. POLICY.**

1. It is DOD policy to assist and cooperate with US and foreign host nation border clearance agencies in halting the flow of contraband both into the United States and foreign countries. DOD will enforce this policy when entry is through military channels and will cooperate with other Federal Agencies when enforcing US laws and regulations and complying with foreign requirements concerning customs, agriculture, immigration, and other border clearance requirements without unnecessarily delaying the movement of DOD personnel and material. This policy also applies to the export of goods to other countries. The DOD policy is to eliminate the flow of contraband and unacceptable products to other nations. The DOD acknowledges the primacy of the US Customs Service (USCS), US Department of Agriculture (USDA), and Immigration and Naturalization Service (INS) over cargo and personnel moving into the Customs Territory of the US (CTUS) and that their agents or inspectors may delay, impound, or otherwise prohibit the entry or export of military cargo into or from the CTUS, without obstruction by the DOD, the Services, or Defense Logistics Agency (DLA).

2. Military Customs Inspection (MCI) Program. The MCI program for OCONUS locations is no longer recognized by USCS and has been cancelled, and use of the DD Form 1253, Military Customs Clearance Label, is no longer authorized. USCS and USDA will support pre-clearance for major unit rotations and redeployments in conjunction with exercises and contingency operations. Procedures for requesting pre-clearance are

detailed in Chapter 506. Theater CINCs will continue to support the enforcement of DOD policy to halt the flow of contraband and agricultural pests into the United States.

3. **USDA Inspection Program.** USDA continues to support and certify theater pre-clearance inspection programs, especially in locations where the threat from agricultural pests are pervasive. DOD has adopted Executive Order number 13112, "Invasive Species." OSD Memorandum of 8 June 00, fully implements Executive Order 13112 and imparts instructions to worldwide US Military commands to plan, program and budget as needed. Theater CINCs are required to establish USDA approved and certified agricultural inspection programs for their theater and provide operational guidance to their components that ensures all DOD shipments to CTUS are cleared before shipment and meet USDA standards. USDA will also support agricultural pre-clearance programs in conjunction with redeployments for major exercises and contingencies. Information on the USDA Agricultural Inspection Program is detailed in Chapter 505.

4. **Exercises and Contingencies.** The USCS will support pre-clearance for major unit redeployments in conjunction with Field Training Exercises (FTX) or contingencies. Theater CINCs may request such support through USTRANSCOM TCJ4-LT. See Chapter 506 for details.

5. **Military Customs Inspection–Excepted (MCI-E) Program.** The USCS continues to support the training and certification of military personnel at selected CONUS military airfields. See Chapter 507 for details.

#### **D. DUTIES AND TAXES.**

US Government military shipments (including personal property of US Government sponsored personnel) should not be subject to duties and taxes. Information on customs and shipping documentation should include shipper, consignee (with both the shipper and consignee being spelled out in the clear, i.e., United States Air Force not USAF) and a statement that the shipment is for US Government or military use. The use of acronyms and abbreviations in shipping and customs documentation often leads to the assessment of duties and taxes. Further, DOD Acquisition activities and vendors should ensure the Direct Vendor Delivery (DVD) contracts which provide for movement outside the Defense Transportation System (DTS) include provisions for the services of commercial customs brokers to satisfy both US export documentation and foreign customs clearance requirements.

#### **E. INDIVIDUAL MISSIONS, ROLES AND RESPONSIBILITIES.**

This paragraph identifies responsibilities of organizations and personnel tasked with executing the DOD Customs and Border Clearance Program.

1. **Deputy Under Secretary Of Defense For Acquisition, Technology, and Logistics (USD (AT&L)).** USD (AT&L) is the proponent for customs and border clearance matters in the Office of the Secretary of Defense (OSD) and exercises staff supervision over all Customs and Border Clearance matters within DOD. USD (AT&L) is responsible for prior review and approval of special or unique projects and programs not specifically provided for in this regulation.

2. United States Transportation Command (USTRANSCOM). USD (AT&L) Memorandum of 18 Nov 98 transferred the responsibility for establishing and approving operational regulations and procedures necessary for the effective and efficient operation of the DTS to CINCTRANS. USTRANSCOM is responsible for:

a. Developing policies and procedural guidance, in collaboration with the DOD Components, US Government Border Clearance Activities (USCS, USDA, and others) and Foreign Governments through the supported theatre commands, to ensure efficiency and uniformity in the implementation of the DOD Military Customs and Border Clearance Program.

b. Maintaining liaison and coordination with the DOD Components, the USCS, USDA, Bureau of Alcohol, Tobacco, and Firearms (BATF), Drug Enforcement Agency (DEA), Fish and Wildlife Service, Department of Transportation (DOT), Environmental Protection Agency (EPA) and other appropriate government agencies and activities involved in border clearance.

c. Establishing and convening, in conjunction with DOD Components and other government agencies, as appropriate, joint committees or working groups necessary to ensure an effective DOD Customs and Border Clearance Program.

d. Reviewing the program periodically, apprising USD (AT&L) of trends in the management and operation of the customs and border clearance program and recommending policy changes necessary to keep the program viable.

e. Developing metrics and collecting data to identify problem areas and evaluate the DOD Customs and Border Clearance Program.

f. Maintaining this regulation in a current status, ensuring conformance with the regulations published and/or enforced by the US border clearance agencies, and providing additional guidance, as appropriate to the DOD Components to assure uniformity and efficiency in operations.

g. Developing procedures for implementing and migrating customs processes to electronic means of information exchange to support customs and border clearance processes.

3. Air Mobility Command (AMC), Military Traffic Management Command (MTMC), and Military Sealift Command (MSC). AMC, MTMC, and MSC are responsible for:

a. Providing operational guidance to subordinate units necessary to the implementation of this regulation.

b. Assisting USTRANSCOM in the development of metrics and collection of data to evaluate the DOD Customs and Border Clearance Program.

4. Military Services and Defense Agencies. Services and Defense Agencies will assist and cooperate with USTRANSCOM in performance of the responsibilities outlined in

paragraph E. 2. of this chapter, and are responsible for:

- a. Establishing points of contact for coordination and implementation of the program within their respective components.
- b. Ensuring the shipment sponsor's shipping activities (including vendors) prepare necessary customs (foreign country or USCS) documents for use by carriers and government agencies to gain entry or exit as required for DOD shipments.
- c. Taking timely and appropriate action to correct program deficiencies.
- d. Providing adequate and appropriate facilities, and other assets, as required through Inter Service/Defense Agency Support Agreements, for the performance of customs and border clearance functions.
- e. Furnishing such information as may be required by USTRANSCOM to resolve customs and border clearance issues to include information required for pre-clearance (see Chapter 506, this regulation).
- f. Providing representation on committees or working groups as may be requested by USTRANSCOM.
- g. Assisting USTRANSCOM in the development and collection of metrics data and the evaluation of the DOD Customs and Border Clearance Program.
- h. Providing applicable customs and border clearance documents as necessary for Entry Officials to clear personnel and cargo entering or exiting the US or Foreign Countries.
- i. US Navy commands will provide operational guidance to implement this regulation to Navy activities that operate/manage air and sea terminals.

5. Unified Commanders. The commanders of Unified Commands are responsible, in accordance with the provisions of the Unified Action Armed Forces (UNAAF), JCS Pub 0-2 for:

- a. Implementing and enforcing provisions of this regulation.
- b. Developing and maintaining Country Annexes to this regulation for nations within their area of operations, as required.
- c. Establishing and coordinating unique Customs/Border Clearance requirements for countries in the CINC's area of responsibility during deployments/redeployments and in support of exercise/contingency operations.
- d. Designating a Customs/Border Clearance Coordinator.
- e. Forwarding any written supplementary guidance to USTRANSCOM, Transportation Management Division (TCJ4-LT), Scott AFB, IL 62225-5357.

f. Ensuring their components designate in writing, DOD or other authorized personnel, as Customs and Border Clearance Agents (CBCAs) and that such personnel are properly trained.

g. Establishing quality control procedures to ensure the effectiveness of the DOD Customs and Border Clearance Program.

h. Disseminating information within their command to all DOD members and dependents concerning the prohibitions, restrictions, requirements, and penalties pertaining to the importation of illegal narcotics, drugs, prohibited firearms and other contraband.

i. Providing details on prohibitions, restrictions, requirements and penalties that pertain to entry/exit from their theater of operations to USTRANSCOM TCJ4 as it impacts the DOD Customs and Border Clearance Program.

j. Assisting USTRANSCOM in the development and collection of metrics data and evaluation of the DOD Customs and Border Clearance Program.

6. Customs/Border Clearance Coordinator. Customs/Border Clearance Coordinator is responsible for:

a. Coordinating the DOD Customs and Border Clearance Program for the Theater Commander in Chief.

b. Serving as the primary point of contact for the Customs/Border Clearance requirements on matters of importance to the entry/exit of DOD sponsored movements.

7. All DOD Shipping Activities are responsible for:

a. Counseling DOD members and their dependents on customs/border clearance requirements and procedures, duty-free exemptions, restricted and prohibited items, and members responsibilities under the rules and laws of the foreign government where assigned as well as all provisions of this regulation.

b. Ensuring that the necessary shipping, customs and border clearance documentation as prescribed herein, is available for each shipment or passenger and that such documentation is properly prepared and free of abbreviations or acronyms to ensure timely entry/exit.

c. Updating pertinent portions of this regulation and maintaining performance quality that will assure Customs/Border Clearance Agencies (foreign and domestic) certification.

8. All DOD Acquisition/Contracting Activities are responsible for:

a. Ensuring all contract vendors who are required to ship material to or from OCONUS locations receive complete, accurate, shipping instructions/directions in clear English, free of abbreviations and acronyms. Commercial bills of lading must include a

clear statement of who owns the cargo at time of shipment. Shipper/Consignor/Consignee addresses should begin with the service or defense agency that contracted for the shipment.

b. Ensuring that all direct vendor delivery type procurement contracts which result in the transfer of title to the cargo upon delivery include provisions for the payment of duties and taxes, as well as arrangements for the services of a commercial customs broker.

9. Deployed Commanders are responsible for:

a. Ensuring unit personnel are briefed on USCS and USDA entry requirements prior to their redeployment to CONUS and that all unit equipment/ sustainment stocks returning to CONUS are cleaned and inspected in accordance with USDA recommend procedures. See Chapter 505 for details.

b. Ensuring that the necessary shipping, customs and border clearance documentation as prescribed herein, is available for each shipment or passenger and that such documentation is properly prepared and free of abbreviations or acronyms to ensure timely entry/exit.

c. Implementing pertinent portions of this regulation and maintaining performance quality that will assure Customs/Border Clearance Agencies (foreign and domestic) certification.

10. USCS, USDA, and other US Border Clearance Agencies. By agreement with USTRANSCOM these agencies are responsible for:

a. Reviewing this regulation to ensure that it adequately describes their requirements and procedures for the customs and border clearance processes and requesting or recommending changes as necessary.

b. Establishing and maintaining necessary liaison with USTRANSCOM in its capacity as DOD's Executive Agent for the DOD Customs and Border Clearance Program assuring continuity of efforts.

11. Customs/Border Clearance Agents (CBCAs). See Chapter 506 under Exercises/Redeployments.

12. Military Customs Inspector-Excepted (MCI-E): For details on their duties and responsibilities, see Chapter 507.

## **F. ADMINISTRATION.**

1. Preparation And Approvals: This regulation has been prepared with the assistance and concurrence the USCS, the USDA, the BATF, and other Federal Agencies.

2. DOD Customs and Border Clearance Program:

a. This program includes the following elements:

(1) Exit/entry clearance procedures and documentation requirements.

(2) Establishment of treatment centers (wash-down and disinfectant application), inspection facilities for equipment.

(3) Criteria for sterile areas where necessary and feasible.

(4) Certification/training of DOD personnel and inspection activities by the Theater Executive Agent for Customs and Border Clearance.

(5) Information dissemination to inform all DOD personnel of entry/exit requirements for the United States and selected foreign nations.

b. Sources of Information. Recommended sources of information for the DOD Customs and Border Crossing Program are this regulation, and:

(1) The USTRANSCOM Customs and Border Crossing Web Page  
<https://business.transcom.mil>.

(2) The DOD Foreign Clearance Guide (DOD 4500.54-G)  
<http://www.fcg.pentagon.mil>.

(3) The Personal Property Consignment Information Guide (PPCIG)  
<http://www.mtmc.army.mil>) under Transportation Services/Personal Property and POVs.

3. Defense Transportation Regulation (DTR). This part of the DTR addresses Customs and Border Clearance. Chapters 502 through 508 address customs, agriculture, and Defense Courier Service entry and exit procedures into the Customs Territory of the United States (CTUS). Chapters 509 through 515 address foreign country customs entry and exit procedures.

4. Paragraph Numbering Process: The paragraph numbering process of this regulation is as follows; Chapter, Paragraph, Subparagraph, and sub-subparagraph.

5. Recommendations for revisions to this regulation are encouraged. All proposed revisions, corrections, supplements or addendums must be addressed to:

United States Transportation Command  
Transportation Management Division (TCJ4-LT)  
Scott AFB, IL, 62225-5357

Email submissions are also encouraged. Send recommendations to:  
[USTCJ4-LT@hq.transcom.mil](mailto:USTCJ4-LT@hq.transcom.mil).

6. DOD activities requiring copies of this regulation should submit requests through their Service or Agency office responsible for issuing publications. Electronic copies of this regulation are available by accessing the USTRANSCOM Web Page at

<http://public.transcom.mil/J4/j4lt/dtr.html>. (This is the preferred method of obtaining and maintaining currency of customs policies and procedures). Activities outside the DOD may obtain hard copies of this regulation from USTCJ4-LT at the address listed in the paragraph above.

## **G. IMPLEMENTATION.**

1. General. The provisions of this regulation will be implemented by all DOD components as specified in subsequent chapters, for individual missions, roles, and responsibilities, see paragraph E. above.

2. Supplementation. This regulation will not be supplemented except in the interest of improved management or instances where the procedures herein need enhancement to meet a requirement unique or special to a DOD component's area of responsibility. Supplementing instructions published by overseas commands or other Federal Agencies will be in accordance with international agreement valid in the respective country. Copies of such supplementing guidance will be provided to: USTRANSCOM, Transportation Management Division (TCJ4/LT), Scott AFB, IL 62225-5357.

3. In case of conflict between this regulation and Title 19 Code of Federal Regulations (CFR), the governing regulation will be 19 CFR.

4. Frequency Of Change: Printed changes will be published as required to add, delete or modify DOD Customs policies and procedures at least once a year and will be made available electronically through the USTRANSCOM Worldwide Web pages. Similarly, interim and emergency changes will be readily available for application through electronic access to the web site with hyperlink to email.

5. Forms And Pamphlets Supply: Forms required by this regulation, and pamphlets pertinent to the technical and legal aspects of the requirements described within, will be obtained through normal publications supply channels in accordance with applicable Service publications.



## **CHAPTER 502**

### **UNITED STATES ENTRY REQUIREMENTS**

#### **A. GENERAL.**

1. Personnel and property enter the US daily to support the DOD mission. This chapter addresses US entry requirements for those personnel and/or property whether shipped by military or commercial carrier, and the conveyance, if owned or controlled by the DOD .

2. All conveyances (ships, aircraft and other mode/methods of transport) entering the CTUS from a foreign port or place shall be subject to a complete customs inspection upon arrival at the first US port of entry. Exception provisions apply where agreement exists between USCS and the US Navy (CBCA Afloat) for shipboard inspections and authorized pre-clearance operations. Personnel, accompanied baggage, personal property, and cargo and the associated documentation are also subject to inspection. This chapter outlines the general US entry requirements and refers to more specific requirements either in this regulation, or from other sources.

3. The requirements specified in this chapter apply whether pre-clearance takes place outside the CTUS, or whether clearance is accomplished at the first US port of entry.

#### **B. RESPONSIBILITIES.**

1. Individual (or member). The individual military member and his dependents are responsible for complying with the rules and laws of the host country to which assigned and laws and regulations associated with imports to the US. The provisions of the regulation will aid in establishing the customs/border clearance requirements and procedures for gaining entry and exit from the various countries identified in Chapters 510 through 515 of this regulation.

2. Transportation Officer.

a. When DOD sponsored cargo is transported by commercial air, ocean, rail, highway, or inland waterway to a destination within the CTUS, or when such cargo is delivered to a commercial air or water terminal not operated by the military, the Transportation Officer responsible for the area within which the destination or terminal is situated shall assist the commercial carrier, IAW the commercial contract, in accomplishing all necessary customs/agriculture documentation required for entry of the cargoes.

b. When necessary, Transportation Officers in CTUS should make arrangements at the nearest USCS office to have an immediate delivery permit (Customs Form 3461) on file for a fixed, or indefinite period of time.

3. Installation Commanders. All DOD components, including reserve components, that operate, sponsor, or provide ocean or airfield arrival services to a ship or aircraft entering

the CTUS shall provide information on the departure point, the expected arrival time at the port of entry, and the status of the ship or aircraft (with information on number of passengers and crew) to the USCS and other border clearance agencies, as required. Timely notification is mandatory to coordinate arrangements for border clearances and for providing such assistance to the USCS, USDA, INS, and other border clearance agencies as needed. DOD components that operate, sponsor, or provide arrival services will not allow entry into the CTUS without notification of the appropriate border clearance authorities.

4. Ship/Aircraft Commander. The ship's captain or aircraft commander is responsible for providing border clearance documentation and manifests of any onboard cargo to boarding USCS, USDA, and INS officials upon arrival at the ocean or air terminal at the first point of entry into the CTUS. The ship's captain or aircraft commander are also required to provide supplemental documentation such as crew and passenger lists. The ship's captain or aircraft commander shall not:

a. Interfere with the performance of the duties of the USCS, USDA, INS, or CBCA/MCI-E personnel (including Navy Afloat CBCAs).

b. Permit any cargo, baggage, or equipment to be removed from any vessel or aircraft without permission from the designated border clearance official.

c. Allow any passenger or crew member to depart from a vessel or aircraft prior to completion of arrangements for final border clearance processing. Removal of cargo or departure of personnel may be allowed should it become necessary for the safety or preservation of life or property.

5. DOD Components. DOD Components which operate ships and aircraft entering the CTUS are responsible for establishing procedures to ensure compliance with provisions of this regulation, written agreements between DOD , USCS, USDA, INS and other appropriate border clearance agencies and the federal laws and regulations of those agencies. Implementing regulations of DOD components shall include specific entry procedures for:

a. Ships, aircraft and terminal operations.

b. Passengers and crew members to include medical crews, attendants, and patients.

c. Maintaining a sterile environment for personnel who have departed the ship or aircraft but have not yet been cleared by border clearance agency officials.

d. Cargo, including personal property and accompanied baggage, placed onboard the ship or aircraft as either checked baggage or cabin (carry-on) baggage.

e. Maintaining the security of the ship, aircraft, or terminal and its contents pending arrival of border clearance officials, should those officials not be immediately on-hand upon arrival.

f. Coordinating with the appropriate Port Director of the USCS and the local offices of the USDA Animal and Plant Health Inspection Service (APHIS) and the INS.

g. Ensuring that a sufficient and appropriate number of personnel receive formalized instruction in border clearance procedures to ensure successful accomplishment of the Customs/Border Clearance Program.

6. Contracting Officer. The contracting officer will ensure that all contracts will comply with import/export requirements of the Defense Federal Acquisition Regulation. This provision includes the responsibility for preparation of shippers export/import declaration documents and obtaining necessary licensing permits.

7. Contractor (Vendor). The contractor is responsible for complying with the terms and conditions of the written agreement with the US Government including the preparation of all customs/border clearance documents necessary to gain entry/exit for the goods being manufactured/repared under DOD sponsorship.

### **C. US CUSTOMS CLEARANCE REQUIREMENTS FOR CONVEYANCES (DOD OWNED OR CONTROLLED).**

1. US Navy (USS) Ships. The Navy maintains the only remaining Navy Afloat Customs Border Clearance Agent program accredited by the USCS Port Directors at Norfolk and San Diego.

a. Clearance Requirement. The Captain or commanding officer of each military ship entering into the CTUS is responsible to ensure that a complete US border clearance inspection has been accomplished prior to arrival at the US port of entry.

(1) At a minimum, the inspection shall encompass all ship spaces (e.g., lockers, boats, cargo holds, living areas, and embarked aircraft) and all cargo and equipment onboard, to include organic equipment of units embarked.

(2) All on-board personnel and accompanying baggage shall be inspected, to include passengers, crew members, super cargoes, security personnel, observers, and civilian technicians. As part of the border clearance inspection, and in preparation for clearance at the port of entry, all personnel shall complete a personal declaration, DD Form 1854.

(3) The ship's captain or his representative will notify USCS officials at the US port of entry and the appropriate Service investigative service of any contraband found during underway inspections, prior to arrival at the first port of entry. The Service investigative service will meet the ship upon arrival and transfer custody of the contraband into the Service evidence system. Entrance of the contraband into the Service evidence system greatly diminishes the possibility of an error in the chain of custody.

b. Clearance Procedures. Inspection will normally be performed by trained and designated CBCAs. Each military-operated ship shall have at least one trained and designated CBCA within its crew. Should, for whatever reason, a shipboard CBCA capability not exist, the captain or commander of the ship shall appoint an officer to

conduct the inspection.

(1) At the first US port of entry, the captain or commanding officer of each ship shall present USCS officials with a manifest of all cargo loaded aboard the ship for discharge in the CTUS. A copy of this manifest shall also be presented to the operator of the military ocean terminal.

(2) When the crew and vessel, but not the cargo, are cleared at the first US port of entry, the ship's captain or commanding officer shall notify USCS at subsequent ports of entry and provide them a manifest of the cargo to be discharged at that port.

(3) The inspection should be conducted at the last port of call before entry into the CTUS. This permits support from land-based Customs activities and maximizes inspection effectiveness. If mission requirements, ship size or characteristics, inspection resources, or port considerations preclude inspection prior to departure, the inspection shall be conducted while the ship is enroute to the US port of entry.

(4) For each ship operating outside the CTUS, the ship's captain or commanding officer shall prepare a customs inspection plan. The plan shall be developed to outline those procedures to be followed to ensure effective conduct of the CBCA inspection. The plan shall include procedures both for inspecting the ship, its cargo, equipment, and personnel, and for completion and collection of personal customs declarations.

(5) For each ship operating outside the CTUS, the ship's captain or commanding officer shall prepare a counter-narcotics plan to prevent the use of the ship, its cargo, equipment, or personnel onboard, for the illegal introduction of drugs, narcotics, or other contraband into the CTUS.

(6) Clearance at the Port of Entry: Ships normally arrive at established US ports of entry at which border clearance officials are readily available. The pre-departure examination/inspection under the CBCA program will normally expedite the procedures on arrival in CTUS. However, integrity inspections or examinations at the first port of entry and/or subsequent ports of call are within the prerogative of the clearance officials. In most cases this will consist of a cursory check for the proper paperwork.

(a) Dutiable and restricted items: All items acquired outside the United States must be declared and may be subject to duty and/or other taxes. Certain items may be subject to restrictions or prohibited from import. All baggage is subject to examination. All personnel shall make items in their possession available for inspection if so requested by customs officials. Animals, foodstuffs, plants or plant parts will be made available for inspection by APHIS before being brought ashore.

(b) The captain or commanding officer of the ship shall complete, and provide to the clearance officials, written certification that a border clearance inspection has been completed.

(c) In addition to timely notification of border clearance agencies, military elements operating in US ocean terminals shall provide, if available, transportation for border clearance officials to and from inbound ships to permit clearance process as early

as possible before berthing.

(d) Shipboard Mail: Commanding officers of ships shall institute onboard mail control procedures in accordance with the provisions of the DOD Postal Manual.

## 2. Aircraft Entrance Requirements.

a. Aircraft are cleared upon arrival at the first port of entry into the CTUS.

b. There are no pre-clearance requirements for aircraft, unless arranged for in advance as part of an exercise or unit redeployment.

c. The aircraft commander of each DOD owned or controlled aircraft entering into the CTUS is responsible to ensure that a complete US border clearance inspection has been accomplished upon arrival at the US port of entry.

d. Advance Notification: Departure airfield installation commanders will ensure that Aircraft arrival/manifest data is passed to the down-line CTUS terminal or station prior to arrival of the aircraft, to arrange for FIS processing. Arrival data shall include:

(1) Aircraft identification.

(2) Aircraft cabin load, including number of passengers, number of crew, and a general description of types and amount of cargo.

(3) Notice of unusual cargo or passengers (including first time entrants into the US).

(4) Any other information to expedite processing.

e. The flight crew shall complete Customs Form 7507 (USCS General Declaration).

f. For specifics on Aircraft Entrance Requirements, Personnel Entrance Requirements, and a listing of Regular Airports of Entry, Special Airports of Entry, and US International Airports/Landing Rights Airports, see the DOD Foreign Clearance Guide, North and South America (<http://www.fcg.pentagon.mil>).

## **D. TERMINAL OPERATIONS.**

### 1. Ocean Terminal.

a. When DOD -sponsored cargo is transported by ocean or inland waterway carriers to a destination within the CTUS, or when such cargo is delivered to a commercial water terminal not operated by the military, the Transportation Officer responsible for the area within which the destination or terminal is situated shall accomplish all necessary customs/agriculture documentation required for entry of the cargoes.

b. If cargo arrives without the proper USCS or USDA documentation for entry into the CTUS, it must be prepared by the local installation or terminal Transportation Officer or

vendor as prescribed.

## 2. Air Terminal.

a. When DOD -sponsored cargo is transported by air to a destination within the CTUS, or when such cargo is delivered to a commercial air terminal not operated by the military, the Transportation Officer responsible for the area within which the destination or terminal is situated shall accomplish all necessary customs/agriculture documentation required for entry of the cargoes.

### b. Regular Airports of Entry.

(1) Commanders of U. S. Aerial Ports of Debarkation (APODs) shall, when requested, arrange for immediate return of passengers to the point of origin when such passengers have been denied admission into the CTUS by the INS.

(2) For a listing of Regular Airports of Entry see the DOD Foreign Clearance Guide, North and South America, (<http://www.fcq.pentagon.mil>).

### c. Special Airports of Entry.

(1) FIS officials are normally assigned to perform border clearance function at regular Airports of Entry. These functions, with prior coordination and authorization from USCS, INS, and USDA, may be performed at Special Airports of Entry by military personnel specifically trained and designated as Military Customs Inspectors-Excepted (MCI-E). With prior coordination FIS officials may be available (a fee may be required). Commanders of CONUS-based installations having an airfield, airbase, or air station, which is frequently used as a first CTUS port of entry, should become familiar with the requirements of this program by contacting the USCS.

(2) For a listing of Special Airports of Entry see the DOD Foreign Clearance Guide, North and South America (<http://www.fcq.pentagon.mil>).

d. DOD components operating aircraft into the CTUS are responsible for the establishment and management of the procedures at all Regular and Special Airports of Entry to ensure compliance with the provisions of this regulation.

### e. Commanders of Regular and Special Airports of Entry shall:

(1) Establish local procedures to ensure that all entry and departure requirements for aircraft, crewmembers, passengers, and cargo specified in this regulation and the DOD 4500.54-G (DOD Foreign Clearance Guide) are met. Quarterly meetings are recommended between USCS Port Directors and the Commander of the Airports of Entry.

(2) Designate an appropriate functional element or official to furnish timely advance notice of aircraft arrivals and departures to the FIS.

(3) Maintain an active liaison with local FIS officials.

(4) Budget overtime charges for US border clearance agencies as required.

(5) Facilitate the efficient and expeditious inspection and clearance of aircraft, crew members, passengers, and cargo by US border clearance officials.

(6) Provide adequate office and inspection facilities for border clearance activities.

(7) In coordination with US border clearance agencies, provide briefings on US border clearance requirements for crew members and other personnel traveling on DOD owned/controlled aircraft.

#### **E. ENTRY PROCEDURES FOR DOD -SPONSORED PASSENGERS, CREWS, AND ACCOMPANIED BAGGAGE.**

##### **1. Clearance Requirements.**

a. USCS/USDA/MCI-Es shall inspect aeromedical evacuation crews, attendants, and patients in such a manner as to expedite patient movement. However, expeditious inspection does not preclude steps necessary to detect prohibited articles prior to departure.

b. Passengers will be required to complete a DD1854, or I-94 for aliens, provided by the carrier on the aircraft, and will go through border clearance procedures at the first US port of entry. Entry of first time immigrants to the CTUS is permitted only at a recognized port of entry, where they will be processed by immigration officers. Reentry of DOD sponsored personnel into the CTUS shall be coordinated with the INS. INS shall be notified of all first time immigrant entries into the CTUS as soon as the entry or potential entry is detected. Whenever possible, advanced notification of first time entry should be given not less than 24 hours prior to the time of arrival in the CTUS. In all cases, notification shall occur no more than four working hours from the time of arrival in the CTUS.

c. Federal Inspection Services perform inspections and examinations to prevent entry into the CTUS of prohibited and restricted articles, with particular attention to drugs and narcotics, firearms, plant and animal products, and undeclared articles.

d. Personal Examination. MCI-Es are not authorized to conduct personal examinations. In all cases where physical personal examination is deemed necessary, MCI-Es will contact the base law enforcement personnel and USCS.

##### **e. Accompanied Baggage:**

(1) MCI-Es will normally inspect or examine all accompanied baggage in the passenger's or crewmember's presence.

(2) Each passenger or crewmember shall make their accompanied baggage available for inspection or examination with the exception of patients (whose baggage should be made available by medical crew or attendant as appropriate).

(3) If, while inspecting or examining baggage, an MCI-E suspects a customs violation has occurred, the MCI-E shall call for the assistance of appropriate base law enforcement officials and USCS. These officials shall accept responsibility for the individual and any contraband and, prior to further questioning, shall advise the individual regarding their constitutional rights. If the violation involves narcotics, the violation will be reported to the USCS.

2. First Time Immigrants. Except in cases of emergency evacuations, first-time entrants will be routed through normal FIS-staffed airports of entry for clearance and FIS processing.

3. For specific passenger requirements, see the DOD Foreign Clearance Guide, North and South America (<http://www.fcg.pentagon.mil>).

## **F. GENERAL CARGO ENTRY PROCEDURES.**

1. When a shipment reaches the United States, the importer of record (i.e., the owner, purchaser, or licensed customs broker designated by the owner, purchaser, or consignee) will file entry documents for the goods with the port director at the port of entry. Imported goods are not legally entered until after the shipment has arrived within the port of entry, delivery of the merchandise has been authorized by Customs, and estimated duties (if applicable) have been paid. It is the responsibility of the importer of record to arrange for examination and release of the goods.

2. Pursuant to 19 USC 1484, the importer of record must use reasonable care in making entry. In addition to contacting the USCS, importers should contact other agencies when questions arise regarding particular commodities. For example, questions about products regulated by the Food and Drug Administration should be forwarded to the nearest FDA district office. The same is true for alcohol, tobacco, firearms, motor vehicles, and other products and merchandise regulated by the other federal agencies for which Customs enforces entry laws.

3. In most instances, entry is made by a person or firm certified by the carrier bringing the goods to the port of entry. This entity is considered the "owner" of the goods for customs purposes. The document issued by the carrier is known as a "Carrier's Certificate". In certain circumstances, entry may be made by means of a duplicate bill of lading or a shipping receipt.

4. Entry documents. Within five working days of the date of a shipment's arrival at a US port of entry, entry documents must be filed at a location specified by the port director, unless an extension is granted. These documents consist of:

a. Entry Manifest (Customs Form 7533) or Application and Special Permit for Immediate Delivery (Customs Form 3461) or other form of merchandise release required by the port director.

b. Evidence of right to make entry.



c. Commercial invoice or a pro forma invoice when the commercial invoice cannot be produced.

d. Packing lists if appropriate.

e. Documentation is required on formal entries valued at over \$2,000. Other documents may be required to determine merchandise admissibility.

If the goods are to be released from Customs custody on entry documents, an entry summary for consumption must be filed, and estimated duties deposited at the port of entry within 10 working days of the time the goods are entered.

5. Immediate delivery. An alternate procedure, which provides for immediate release of a shipment, may be used in some cases by making application for a special permit for immediate delivery on Customs Form 3461 prior to the arrival of the merchandise. Carriers participating in the Automated Manifest System can receive conditional release authorizations after leaving the foreign country and up to five days before landing in the United States. If the application is approved, the shipment is released expeditiously following arrival. An entry summary must then be filed in proper form, either on paper or electronically, and estimated duties deposited within ten working days of release. Immediate delivery release using Form 3461 is limited to certain types of merchandise, including shipments consigned to or for the account of any agency or officer of the US government.

6. Examination Of Goods And Documents. Examination of goods and documents is necessary to determine, among other things:

a. The value of the goods for customs purposes and their dutiable status.

b. Whether the goods must be marked with their country of origin or require special marking or labeling. If so, whether they are marked in the manner required.

c. Whether the shipment contains prohibited articles.

d. Whether the goods are correctly invoiced.

e. Whether the goods are in excess of the invoiced quantities or a shortage exists.

f. Whether the shipment contains illegal narcotics.

Prior to the goods' release, the port director will designate representative quantities for examination by Customs officers under conditions that will safeguard the goods. Some kinds of goods must be examined to determine whether they meet special requirements of the law. For example, food and beverages unfit for human consumption would not meet the requirements of the Food and Drug Administration.

7. Rates of Duty. All goods imported into the United States are subject to duty or duty-free entry in accordance with their classification under the applicable items in the Harmonized Tariff Schedule of the United States, Annotated (HTSUSA). The US

International Trade Commission (USITC) is responsible for publishing the HTSUSA; the USCS is responsible for administering the tariff and processing import entries. Duty-free status is available under various conditional exemptions. It is the importer's burden to show eligibility for a conditional exemption from duty. Exemptions are found under the subheadings in Chapter 98 of the tariff schedule. These subheadings include, among other provisions, certain personal exemptions, exemptions for articles for scientific or other institutional purposes, and exemptions for returned American goods.

8. More Information. For greater detail on USCS procedures and the addresses for Customs Management Centers, Port Directors, and USCS Offices in foreign countries, go to the US Customs web page at <http://www.customs.ustreas.gov>.

#### **G. DOD -OWNED CARGO ENTRY PROCEDURES.**

Operators of military air and ocean terminals within the CTUS shall establish close coordination with the local Port Director of Customs, and local USDA and INS representatives. They will prepare and provide border clearance entry documentation as required. While local practices may vary to a degree, the following procedures are generally applicable:

1. When DOD -sponsored cargo or personnel arrive at a military air or ocean terminal, USCS and USDA officials must be provided a legible copy of the passenger and/or cargo manifests for material on the vessel or aircraft. INS officials must be informed of the entry into the CTUS of all DOD -sponsored personnel.

a. When articles (other than military scrap or surplus) belonging to DOD are imported for further use by DOD as returned products of the United States under a free entry classification in the Harmonized Tariff Schedule of the United States (HTSUS), a Certificate in Lieu of Other Entry Documentation Covering Articles of Returned U. S. Products for Use by The DOD , shall be used for those shipments. All military scrap or surplus must meet USDA standards for freedom from soil and pests.

b. For material procured from foreign sources which is imported for the sole purpose of transiting the CTUS to another point outside the CTUS, Customs Form 7512 (Transportation and Export Entry) shall be initiated at the port of arrival and shall be provided to the customs officials at the US port from which the shipment is subsequently exported.

2. Clearance of Inbound Cargo through US Customs. US Public Law requires that all imported articles, with few exceptions, are subject to either formal or informal entry procedures, depending on the commodity, and its value. In addition, the law requires that all articles entering the US are subject to examination or inspection. To satisfy these requirements, it is mandatory that all DOD -sponsored cargo be:

a. Free of contraband, and pests of agricultural and natural ecosystems.

b. Declared to the US Customs inspector at the first port of entry.

c. Available for border clearance inspection when requested by the appropriate

border clearance authority.

3. USDA Inspection Program. USDA continues to support and encourage agricultural pre-clearance inspections at OCONUS locations. See Chapter 506 for details on requirements, procedures, and information on establishing a pre-inspection program.

4. Classified Shipments. If Federal Inspection Service (FIS) personnel at CTUS ports of entry request to inspect classified cargo, access will be granted only after FIS security clearances have been validated. FIS personnel assigned or performing duties at military terminals normally have had their security clearances previously validated. A qualified and properly cleared representative of the DOD component, or other agency to which the cargo belongs, should be present when the shipment is inspected by properly cleared FIS personnel.

5. Border Clearance Inspection or Examination. All DOD cargo or personnel entering the CTUS are subject to inspection or examination by USCS, USDA, and/or INS at the first port of entry. The degree of inspection is the prerogative of border clearance officials.

6. Marking Requirements.

a. DOD -Owned Cargoes. All shipping activities moving DOD -owned cargoes (including commercial vendors) must apply the statement, "US Government Property – Entitled to Duty-Free Entry" on all shipping documents, i.e. bills of lading, manifests or commercial shipping labels to facilitate customs and border clearance. All shipping and customs documentation should include the Transportation Control Number (TCN), DOD Activity Address Code (DOD AAC) and the signature block of the originating ATO/ITO/TMO or authorizing shipping activity.

b. Commercial Cargoes. Marking requirements for commercial cargoes, i.e., cargoes not owned by the DOD , should follow current commercial practices. Contracts for the procurement and shipment of such cargoes should include provisions for the use of commercial customs brokers and address cost/payment of duties and taxes.

## **H. US ENTRY REQUIREMENTS FOR VENDOR (COMMERCIAL CONTRACTOR) SHIPMENTS.**

1. The DOD Customs Duty-Free Management System is administered by and based at DCMA New York, Staten Island, New York. The DCMA New York, Customs Team works DOD new overseas procurement duty-free issues.

2. The entities involved in the process are the contractor, the Administrative Contracting Officer (ACO), the Procurement Contracting Officer (PCO), the USCS, customs house brokers, foreign suppliers, carriers and the Customs Team of DCMA New York.

3. The contractor is awarded a DOD contract containing the Duty-Free Entry clause. The contractor then determines if he is going to purchase/sub-contract OCONUS. It is the responsibility of the contractor to notify the ACO of his decision.

4. Upon shipment of the materiel to the CONUS, a broker is involved only when the shipment is consigned to a private sector entity. The broker is responsible for:

a. Preparation and filing of the Customs Form 3461 (Entry/Immediate Delivery). Imported supplies purchased pursuant to a DOD contract are supplies which are entitled to be immediately released. USCS requires that the importer of record provide documentation proving their continuous or single transaction importer's bond in order to obtain immediate release of the shipment.

b. Submitting the original shipping documents including invoices, bills of lading, or other pertinent entry documents as well as two legible reproductions of the Customs Form 7501, Entry Summary (CF 7501) prepared by them to the Customs Team, DCMA New York.

c. After receipt of the duty free entry certificate from the Customs Team, the broker shall submit the original certificate to appropriate US Customs Port of Entry allowing for liquidation. If the entry is not liquidated, then the duty will be paid.

d. After receipt of a Letter of Duty-Free Entry Denial from the Customs Team, the broker will notify their client of the denial and inform the client of the fact that if corrective action is not taken, duty will be paid. The denial letter will indicate the reason for denial.

5. For materiel going to a military installation, the US Customs Ports will:

a. Release the material to the carrier for delivery directly to the military installation when the consignee is a military activity.

b. Forward all entry documentation to the Customs Team, DCMA New York. The documentation will include an Entry Number (EN) assigned by the port. The EN's will start with the filer code "P99". Each port is assigned a block of Entry Numbers by USCS headquarters.

c. Liquidate the entry when they receive a CF 7501 from DCMA New York.

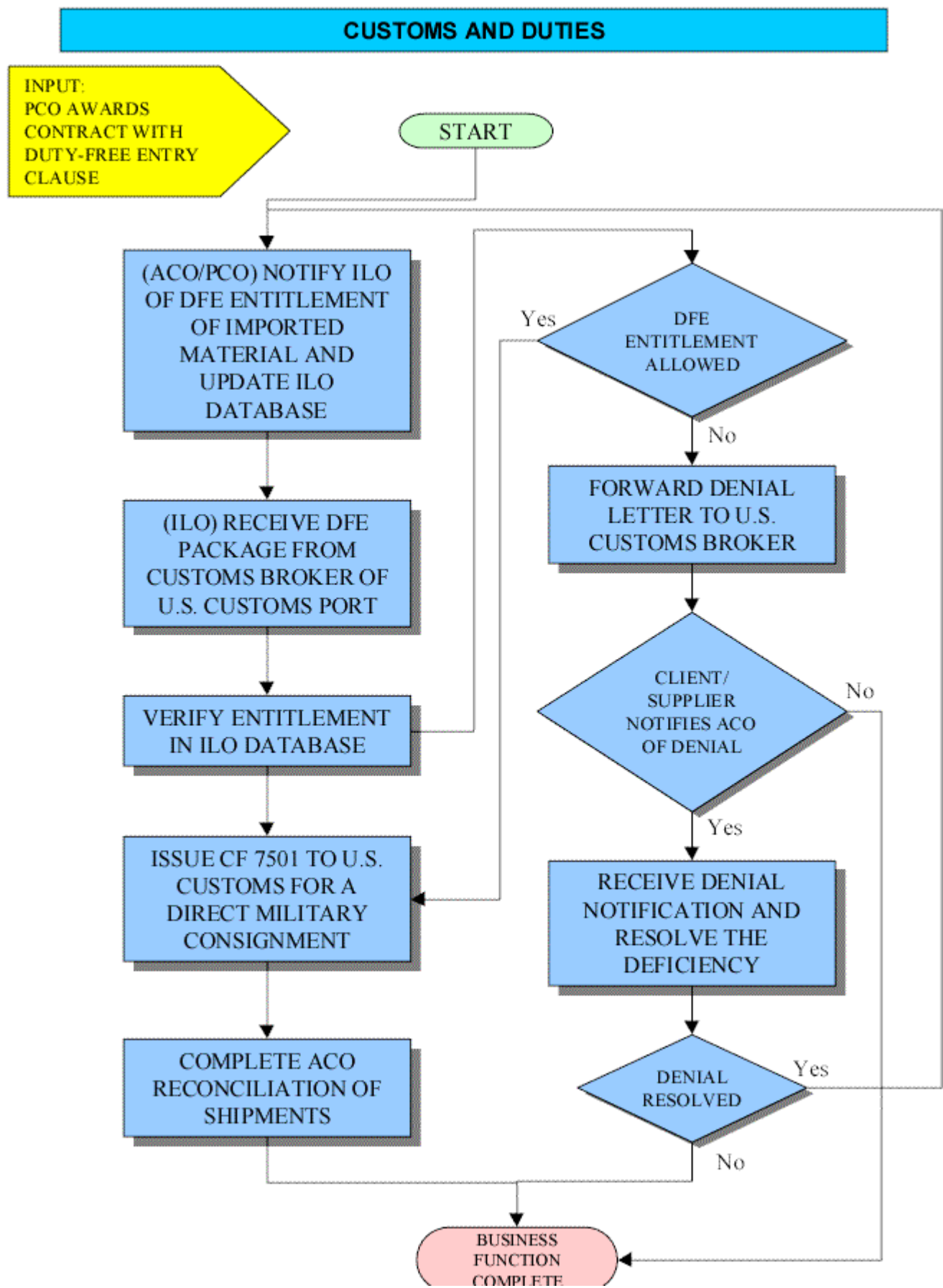
6. The Customs Team, DCMA New York is the most significant player in the duty-free entry process. They keep a database of DOD contracts entitled to duty-free entry, and the dollar value of each contract. DCMA New York is the only organization that can certify supplies as being entitled to duty free entry.

7. Shipping documentation and exterior packages will be marked in accordance with DFARS 252.225-7008. This will indicate to the USCS that it is a DOD shipment claiming Duty-Free Entry (DFE).

8. Additional detail on these procedures can be found in DLAD 5000.4, Contract Management (DCMA One Book), Chapter 6.9, Customs and Duties (Revision: March 1998). Process flowchart is shown at Figure 502-1.

9. Additional References.

- a. FAR 25.6, Customs and Duties
- b. FAR 52.225-8, Duty-Free Entry
- c. DFARS 252.225-7008, Supplies to be Accorded Duty-Free Entry
- d. DFARS 252.225-7009, Duty-Free Entry-Qualifying Country End Product and Supplies
- e. DFARS 252.225-7010, Duty-Free Entry-Additional Provisions
- f. 19 CFR, Customs Duties, 10.101, 10.102, and Part 142



**Figure 502-1.** Illustration of Duty-Free Entry Process for Vendor Shipments to US

## **I. PERSONAL PROPERTY (UNACCOMPANIED BAGGAGE AND HOUSEHOLD GOODS).**

1. For household goods and unaccompanied baggage to enter the CTUS, the member must complete (with the assistance of the origin Transportation Office) and sign a DD Form 1252, US Military Declaration for Personal Property Shipments, Part I.

2. If the shipment contains firearms, the member must complete DD Form 1252-1, US Military Declaration for Personal Property Shipments, Part II. A copy of any supporting importation documents (e.g. ATF Form 6), should be attached to all copies. See Chapter 503, for firearms import requirements.

3. Commingling of personal property or baggage with other military cargo is prohibited. USCS requires that personal property be kept separate from other military cargo.

4. Inspection.

a. All personal property shipments are subject to inspection by USCS officials upon entry to the CTUS. DOD members are responsible for removing any prohibited articles from the household goods or unaccompanied baggage prior to shipment. See page xxix of this regulation for a list of restricted and prohibited articles.

b. The MCI program for OCONUS locations is no longer recognized by the USCS and has been cancelled. However, all personnel involved in the shipment of personal property should be aware of the requirements in this regulation in order to advise the member and to not allow the shipment of unauthorized articles, when detected.

c. DOD members are also responsible for inspecting their personal property prior to shipment to ensure agricultural requirements are met (free of soil and pest infestations). USDA continues to support and encourage agricultural pre-clearance inspections at OCONUS locations. See Chapter 505 for details on requirements, procedures, and information on establishing a pre-inspection program.

## **J. PRIVATELY OWNED VEHICLES (POVS).**

1. To import POVs into the CTUS, the vehicles must have been manufactured in compliance with both the DOT motor safety standards and U. S. EPA (EPA) emission control standards in effect at the time of manufacture, or the vehicles must be modified to comply with such standards. Additionally, POVs equipped with catalytic converters or other emission control devices must meet emission test requirements and standards. All POVs must be free of soil to meet USDA requirements.

2. Safety Standards. All vehicles, foreign or domestic, manufactured on or after 1 January 1968, must conform to the applicable US motor vehicle safety standards in effect on the date of manufacture. Certification for all vehicles, to include motorized bikes and motor scooters manufactured on or after 1 January 1969, being imported into the CTUS is accomplished on a DOT Form HS-7 (Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety Standards). The complete form shall be attached to the original DD Form 1252 which was completed for the vehicle.

a. US Specification POV. The original manufacturer's certification label affixed to the vehicle door post or frame of motorized bike or motor scooter, is the best evidence of conformance. The label must show the date of manufacture and the vehicle identification number. For multipurpose passenger vehicles, the type of vehicle must also be shown.

a. Non-US Specification POV.

(1) Effective 31 January 1990, Public Law (PL) 100-562, the Imported Vehicle Safety Compliance Act of 1988, and its implementing regulations require that POVs which are not certified by their original manufacturer to be in conformity with applicable with US Federal Motor Vehicle safety, bumper, tires, and theft prevention standards, be imported into the CTUS only through importers registered (Registered Importer) with the DOT National Highway Traffic Safety Administration (NHTSA). Non-US specification vehicles must be brought into conformity with all applicable Federal motor safety standards proscribed by PL 100-562 within a reasonable time after importation. Members should contact the NHTSA for a current listing of Registered Importers applicable to their POV.

(2) In addition to applicable customs requirements, importers of such vehicles must furnish a DOT conformance bond, in the amount of three times the value of the vehicle, on DOT Bond Form HS 474.

3. EPA Emission Standards. Under the provisions of the Clean Air Act, 42 United States Code 7522, passenger cars, light-duty trucks, and four-wheel drive vehicles, both foreign and domestic manufacture, 1968 gasoline fueled models and later, 1975 diesel fueled models and later, 1976 diesel fueled light-duty truck models and later, and motorcycles manufactured after 1 January 1978, must conform with Federal emission control standards in effect at the time of manufacture. Certification for all vehicles, to include motorized bikes and motor scooters, being imported into the CTUS is accomplished on an EPA Form 3250-1 (Importation of Motor Vehicles and Motor Vehicle Engines Subject to Federal Air Pollution Regulations. Depending upon the state (e.g., California), POVs may have to conform to more stringent state emission standards.

a. US Specification POV. A US Specification POV will bear a EPA emission control label in the English language. The label will generally be found attached to the vehicle engine, radiator fan shroud, or the underside of the hood. The label must show the engine family identification assigned by EPA to the original manufacturer during certification, and an unconditional statement of compliance with the appropriate model year EPA emission regulations.

b. US Specification POV with Removed or Damaged Catalytic Converter or Oxygen Sensor. A US Specification POV with a removed or damaged catalytic converter or oxygen sensor at the time of entry into the CTUS, must be brought into conformity with EPA requirements by the member (POV owner). This is accomplished by reinstallation or replacement of the catalytic converter and oxygen sensor, as required or replacement of the fuel neck if the fuel neck restriction is missing or has been rendered inoperative. No bond is required for a US Specification POV imported for this purpose.

b. Non-US Specification Vehicles.



(1) Vehicles not built to US emission requirements must be imported through an independent commercial importer (ICI) that holds a valid certificate of conformity from EPA. The ICI bears responsibility for ensuring that the vehicle is properly modified to conform with US emission requirements. EPA will not accept ICI work performed outside the United States. Vehicles demonstrated to be at least 21 years of age are exempted from the EPA emission requirements and are therefore not required to be imported through an ICI.

(2) The makes or models that an ICI can import are limited. EPA cautions that an ICI's capability of bringing a vehicle into conformity with US emission requirements does not guarantee that in individual cases the ICI will agree to accept the vehicle or that the work will be performed properly or timely.

(3) Vehicles previously modified to meet US emission requirements are considered to be US specification vehicles by EPA if the vehicle is labeled by an EPA-authorized ICI as meeting all applicable US emission requirements at the time of modification, or the member has a letter from EPA stating that the vehicle was modified to meet applicable EPA requirements.

(4) Additional information on the specific model vehicle that ICIs can import may be obtained from the US Environmental Protection Agency, Certification and Compliance Division (6405-J), Attn: Imports, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460 (telephone (202) 564-9660).

4. Motorcycles, Motorscooters, and Mopeds. The inclusion of motorcycles, motorscooters, or mopeds in a household goods (HHG) shipment does not change, reduce, or eliminate any federal emission control or safety requirement in effect for that model year vehicle. Motorcycles, motorscooters, or mopeds in HHG shipments will be treated in the same manner as any other vehicle. Appropriate DOT and EPA documentation must be completed and included as part of the shipping documentation just as if the motorcycle, motorscooter, or moped was to be shipped as a separate POV. Motorcycles, motorscooters, or mopeds with less than 50cc engine capacity are generally exempt from DOT/EPA requirements.

## **K. FORMS.**

1. Compliance with provisions of this regulation will require use of other federal agency forms and publications. Specific forms and publications are described in applicable chapters in this regulation.

2. Forms required by this regulation and pamphlets pertinent to implementation of its technical aspects may be obtained through normal publications supply channels in accordance with appropriate Service regulations.

3. As required, Service publication and distribution centers shall coordinate supply and stock of other federal agency forms and publications with the following:

a. U. S. Customs Service

**U. S. Customs Service  
National Distribution Center  
P.O. Box 68912  
Indianapolis, Indiana 46268**

b. U. S. Department of Agriculture

**Animal and Plant Health Inspection Service (APHIS)  
Information Division Room 1143, South Building  
U. S. Department of Agriculture  
Washington, D. C. 20250**

c. Environmental Protection Agency

**Public Information Center (PM-215)  
Environmental Protection Agency  
Washington, D. C. 20460**

d. Bureau of Alcohol, Tobacco, and Firearms

**Bureau of Alcohol, Tobacco, and Firearms Distribution Center  
3800 South Four Mile Run Drive  
Arlington, VA 22206**

e. U. S. Fish and Wildlife Service

**Department of the Interior  
U. S. Fish and Wildlife Service  
Washington, D. C. 20240**

f. Department of Transportation

**National Highway Traffic Safety Administration  
Office of Vehicle Safety Compliance NEF-32  
400 Seventh Street, S. W.  
Room 6115  
Washington, D. C. 20590**

## **CHAPTER 503**

### **IMPORTATION OF PRIVATELY OWNED FIREARMS AND AMMUNITION AND IMPLEMENTS OF WAR**

#### **A. SCOPE.**

1. This chapter prescribes procedures, assigns responsibilities, and outlines eligibility requirements for the importation into the US of privately owned firearms and ammunition by DOD personnel. It also specifies controls to ensure compliance with regulations and documentation requirements of the BATF and the USCS.
2. Procedures for the interstate movement of privately owned firearms and ammunition, and procedures for the importation of other than privately owned firearms and ammunition are contained in Service regulations. Procedures for the export of privately owned firearms from the US are contained in Service regulations and the International Traffic in Arms Regulation (ITAR), Title 22 CFR 123.22.
3. This chapter does not apply to the control, registration, or shipment of war trophy firearms which are governed by AR 608-4/OPNAVINST 3460-7A/AFJI 31-217/MCO 5800.6-A. Documentation requirements for these firearms are included therein for reference purposes only. It should be noted, however, that the shipment of personal war souvenirs or trophies is strictly forbidden without an official authorization by the President of the United States and designation by the Secretary of Defense. Currently such firearms must have been registered with a DD Form 603 issued prior to 13 March 1973. Importation of unit war trophies or historically significant trophies or equipment is prohibited without approval of the Secretary of Defense and appropriate Service Secretary. Importation must be accomplished under applicable service regulations.
4. The Joint Travel Regulations (JTR/JFTR) prohibit shipment of privately owned live ammunition as part of a member's household goods or unaccompanied baggage. For shipping purposes under the JFTR, live ammunition is considered as being ammunition which contains explosive components; i.e., unexpended primer or propellant powder. It does not include expended or unprimed cartridge casings, empty or spent shotgun shells, shotgun shot or pellets or souvenirs used for decorative purposes. For purposes of the Customs/Border Clearance Program (CBCA), the definition of ammunition in the glossary is applicable. Any reference to ammunition in this chapter is applicable only to ammunition that may be carried as accompanied (checked) baggage in accordance with carriers' regulations or that is being returned to the Customs Territory of the United States (CTUS) as other than household goods (HHG) or unaccompanied baggage.
5. Importation of foreign and domestic semiautomatic assault-type weapons is prohibited.

#### **B. IMPORT REQUIREMENTS.**

1. Military personnel.

a. Members of the US Armed Forces may import into the US any reasonable number of personally owned firearms and amount of ammunition, subject to the following:

(1) Member must be on active duty outside the US or have been on active duty outside the US within the 60-day period immediately preceding importation. (Customs duty must be paid on any monetary amount above the normal customs exemption.)

(2) The firearms and ammunition must be suitable for sporting purposes, or properly registered war trophy firearms, as set forth herein. Prohibited firearms may not be imported. Surplus military firearms may not be imported unless the member can demonstrate previous ownership in the US of the firearms to US border clearance officials.

(3) The firearms and ammunition must be intended solely for the personal use of the member and not be intended for resale or for a gift to others.

(4) Import must be to the place of residence of the member or to his or her permanent duty station.

(5) Import must be in accordance with all applicable federal laws and state, territorial, or local laws. Members should consult ATF Publication 5300.5 (State Laws and Published Ordinances) for detailed information regarding state laws.

b. Import Permit Requirements. Application to import firearms and ammunition must be made on ATF Form 6 Part II (Application and Permit for Importation of Firearms, Ammunition and Implements of War). The completed application should be sent to the Director, Bureau of Alcohol, Tobacco, and Firearms, ATTN: Firearms and Explosives Imports Branch, Washington, D. C. 20226. ATF approved permits are required for the importation of all personally owned firearms and ammunition, regardless of date of purchase, except as noted below.

(1) Permits Not Required. Permits are not required for:

(a) Firearms and ammunition previously taken out of the US by the same member with proof of export.

(b) Antique firearms and replicas of antiques of such firearms if they are designed to use antique ignition systems (e.g., matchlock, flintlock or percussion cap) or use rimfire or conventional centerfire ammunition that is not available in commercial channels.

(c) Firearms classified as war trophies when accompanied by a properly executed DD Form 603 (Registration of War Trophy Firearm) indicating the firearm was properly acquired and registered during a period designated by DOD provided such war trophies were previously owned in the US.

(2) Other items or categories exempt from importation procedures as set forth in Title 27 CFR 178.114.

## 2. DOD Civilian Personnel.

a. Firearms and Ammunition Acquired Overseas. DOD employees who are employed overseas and reside there while so employed are not considered as being residents of a State in the US during that period and, therefore, they may import into the US any firearms or ammunition acquired overseas during their employment that may lawfully be imported subject to the following conditions:

(1) The firearms and ammunition must be suitable for sporting purposes, or properly registered war trophy firearms, as set forth herein. Prohibited firearms may not be imported. Surplus military firearms may not be imported unless the member can demonstrate previous ownership in the US of the firearms to US border clearance officials.

(2) The firearms and ammunition must be intended solely for the personal use of the member and not be intended for resale or for a gift to others.

b. Import Permit Requirements: Application to import firearms and ammunition must be made on ATF Form 6 Part I (Application and Permit for Importation of Firearms, Ammunition and Implements of War). On the application or an attached sheet, a statement should be included that the applicant is a US citizen returning from employment outside of the US and has resided there during such employment, and that the firearms and ammunition are being imported for personal use and not for resale. The completed application should be sent to the Director, Bureau of Alcohol, Tobacco, and Firearms, ATTN: Firearms and Explosives Imports Branch, Washington, D. C. 20226. ATF approved permits are required for the importation of all personally owned firearms and ammunition, regardless of date of purchase, except as noted below.

c. Permits are not required for:

(1) Firearms and ammunition previously taken out of the US by the member returning them. Proof of export is required.

(2) Antique firearms and replicas of antiques of such firearms if they are designed to use antique ignition systems (e.g., matchlock, flintlock or percussion cap) or use rimfire or conventional centerfire ammunition that is not available in commercial channels.

(3) Firearms classified as war trophies when accompanied by a properly executed DD Form 603 (Registration of War Trophy Firearm) indicating the firearm was properly acquired and registered during a period designated by DOD .

## 3. Other Imports.

In addition to the imports of privately owned firearms and ammunition covered in paragraphs above, the following imports are allowed:

a. A firearm issued to a general or flag officer under the provisions of military regulations. (No import permit required.)

b. Firearms and ammunition imported for, sold or shipped to, or issued for the use of the United States or any department or agency thereof, or any State or any department, agency, or political subdivision thereof. (An import permit is required unless the firearms or ammunition is being directly imported by a federal agency.)

c. Firearms or ammunition, with proper documentation, being brought into the US for scientific or research purposes, or for use in connection with competition or training for competitive firing (import permit required).

d. Firearms, other than machine guns, as determined by ATF to be unserviceable and not restorable to firing condition, being entered into the US as curios, museum pieces, or historical artifacts (import permit required).

#### 4. Temporary Import.

Any individual (military or civilian) on duty overseas may send a normally permitted firearm to a licensed dealer in the US for repair and subsequent return to the individual at his or her overseas location. The firearm will normally be mailed, with the words "REPAIR AND RETURN" clearly marked on the outside of the package. (No import permit required)

### **C. IMPORT PROCEDURES.**

#### 1. Import with an ATF-approved Permit.

a. Military Personnel shall submit an application for an import permit, if required, on ATF Form 6 Part II. DOD civilian personnel shall use ATF Form 6 Part 1.

b. Applications to ATF for permits to import handguns into the US or to a State, territory, or locality that requires specific authorization to own or possess a handgun, must be accompanied by such authorization. ATF will approve the importation of firearms with an advisory restriction regarding State requirements. For information on laws pertaining to a particular State, territory, or locality, members should consult a military customs activity within their command or a Transportation Officer, both of whom should have ATF Publication 5300.5.

c. Members should retain one copy of the completed form and send the original and two copies to ATF.

d. ATF will determine if the firearms and ammunition are authorized for importation in accordance with standards established by that office.

e. ATF will indicate approval action on the ATF Form 6 Part I or II and will return the form to the member or his or her designated agent.

f. When ATF has approved the import, a blank ATF Form 6A will be returned with the ATF Form 6 Part I or II. The ATF Form 6A must be completed and provided to the USCS in the U. S. for firearms being imported with an import permit.

#### 2. Shipment of Firearms in Household Goods or Unaccompanied Baggage.

a. Should the member ship or mail firearms previously taken out of the US back into the US in household goods or unaccompanied baggage, the certification in item 2 of DD Form 1252-1 (US Military Declaration for Personal Property Shipments (Firearms)) shall be completed. A copy of the Certification as described in 5.C.2.a.i. above, if available should accompany the DD Form 1252-1. A DD Form 1252-1, signed by the commanding officer of the service member or a previously executed CF 4455 or CF 4457 may be used as proof of prior transportation out of the US.

b. Ammunition may not be shipped as household goods or unaccompanied baggage.

### 3. Proof of Prior Ownership in the US.

a. Customs Form 4455 (Certificate of Registration) should be executed by the military or civilian member when shipping firearms or ammunition from the US to an overseas area. When the member is carrying firearms or ammunition from the US, CF-4457 (Certificate of Registration) should be executed. These forms must be completed prior to departure from the US at any USCS office. The forms will establish that the firearms or ammunition were previously taken out of the US by the member upon the member's subsequent return.

b. In lieu of certification on CF 4455 or CF 4457, proof of possession in the US may be established by a bill of sale, a receipt or other such document, a household goods inventory or packing list, or an application to ship personal property so long as the article is adequately described therein.

4. Sporting Firearms and Ammunition Acquired Overseas. Importation of sporting firearms and ammunition acquired overseas by a member directly from a US firearms dealer, or purchased from a Rod and Gun Club will require an ATF-approved import permit.

5. Importation of a firearm issued to a general or a flag officer accomplished through presentation of proper personal identification.

6. Antique firearms may be imported without any documentation or special procedures. Antique firearms are defined as any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in 1898 or earlier and replicas of antiques of such firearms if they are designed to use antique ignition systems (e.g., matchlock, flintlock or percussion cap) or use rimfire or conventional centerfire ammunition that is not available in commercial channels.

7. War Trophy Firearms. War trophy firearms can be imported without a permit. Such firearms must have been registered with a DD Form 603 issued prior to 13 March 1973 or a new DD Form 603 issued subsequent to a new Presidential Authorization and DOD designation. Importation of war trophy firearm is otherwise prohibited.

8. Unit War Trophies/Historically Significant Trophies. Importation of unit war trophies or historically significant trophies or equipment is prohibited without approval of the Secretary of Defense and appropriate service secretary. Importation must be

accomplished under applicable service regulations.

9. Importation of foreign and domestic semiautomatic assault weapons is prohibited.

10. Importation of machineguns, short barrel shotguns, short barrel rifles, silencers, destructive devices, and certain other concealable firearms is prohibited.

#### **D. SHIPPING AND PACKAGING REQUIREMENTS.**

1. To be authorized movement at government expense, all firearms shipped, carried, or mailed into the US must be free of explosive charges and must be accompanied with the appropriate documentation as prescribed above. This documentation must be in evidence when the firearms are turned over to a Transportation Officer, carrier, or postal official for movement. A written notice is required to be furnished any common or contract carrier before delivering any package containing a firearm for shipment in interstate or foreign commerce. The carrier will be informed that the documentation constitutes written notification that firearms are contained therein.

2. Personal Property (Unaccompanied Baggage or Household Goods (HHG)). Firearms being imported by a member may be included in unaccompanied baggage or HHG provided such shipment is authorized under appropriate service shipping regulations.

a. The member shall indicate the presence of firearms on the inventory of personal property, and in Item 16 of the DD Form 1299 (Application for Shipment and/or Storage of Personal Property), and on the DD Form 1252-1, all of which shall be made part of the documentation accompanying the shipment.

b. Firearms authorized shipment in unaccompanied baggage or HHG must be packed separately from other personal property in the shipment and placed in the number 1 container such that they are readily accessible for examination by USCS and other border clearance officials when required.

3. Accompanied Baggage. Unloaded firearms and ammunition may be carried as part of accompanied baggage; the articles must, however, be placed in a locked container and moved as checked baggage, not accessible to any passenger during transport. The traveler must check with his or her ATO/ITO/TMO and the selected airline for additional information on the specific airlines' policy for hand-carry of unloaded firearms and ammunition.

#### **E. MAIL.**

1. Concealable firearms, such as handguns, are non-mailable except as indicated in paragraph 124 of the Postal Service Manual. DOD Policy specifically prohibits Rod and Guns Clubs from mailing concealable weapons through the Military Postal System. Restrictions on non-concealable firearms are contained in paragraph 126 of the Postal Service Manual.

2. Where local military regulations or host country considerations do not prohibit the



transmittal of firearms by mail, the use of the military postal system is authorized for the following:

a. Transportation of any firearms imported for, sold to, shipped to, or issued for the use of any department or agency of the US Government when mailed in the military postal system.

b. Sporting or antique firearms which qualify under provisions of paragraph 124, Postal Service Manual and which are addressed to a member of the US Armed Forces or any dealer, such as a military exchange, entitled by law to engage in business as a firearms dealer and authorized to use the military postal system.

c. Personnel authorized to use military postal facilities shall consult military postal representatives to determine if firearms are mailable prior to presenting the firearms for mailing. Firearms mailed without the documentation will be detained by USCS at the port of entry pending compliance with documentation requirements. Support documentation is the responsibility of the owner.

d. Ammunition. Ammunition, as defined herein, shall not be mailed.

#### **F. DOCUMENTATION.**

1. Except for antique firearms, a completed ATF Form 6 and other documents, as required under the provisions of this regulation, shall be attached to the original DD Form 1252-1. The original DD Form 1252-1, and supporting documents, shall be attached to the DD Form 1252 itself or the manifest that accompanies the shipment if the firearms are being shipped with other personal property.

2. Firearms for which import permits are required may be mailed or personally carried to the US prior to receipt of a permit. Such firearms will be held by USCS at the US port of entry pending presentation of an import permit. This action should only be done in those instances where an application for a permit has been submitted to ATF but the member has not received the approved permit prior to his or her departure from the overseas area. If such firearms are included in a personal property shipment, the TMO/ITO/ATO preparing the documentation will redline the DD Form 1252 and annotate the reason so as to alert USCS at the port of entry.

#### **G. RESPONSIBILITIES.**

1. Transportation Officers. Transportation Officers are responsible for:

a. Counseling members on their responsibilities for documentation and shipment requirements for privately owned firearms and ammunition. Ensure documentation/bills of lading are annotated with the statement: "Shipment Contains Firearms".

b. Ensuring that members are furnished the criteria for evaluating handguns and that they are advised to check with Rod and Gun Clubs, post or base exchanges, or ship's stores to ensure that firearms purchased through such facilities meet importation requirements. Any questions concerning the importation of a specific firearm should be

referred to ATF.

c. Ensuring members are provided information relative to State laws and locally published ordinances.

d. Complying with the shipping and packing requirements outlined in this regulation.

2. Customs Border Clearance Agents. CBCAs are responsible for:

a. Ensuring that firearms shipments are supported with ATF-approved import permits, necessary proof, declarations, or certificate, as appropriate, in accordance with the provisions of this regulation.

b. Ensuring that all firearms are free of explosive charges.

c. Executing Section D, Customs Inspector's Certificate, on DD Form 1252-1 upon completion of a and b above.

d. Indicating, by drawing a red diagonal line on the DD Form 1252 and the first page of the DD Form 1252-1, those shipments containing firearms which require the attention of USCS at the US port of entry. These forms must be redlined when the following conditions exist:

(1) Member fails to produce ATF Form 6 for firearms requiring it; or

(2) Insufficient documentation exists to support a member's claim that the firearms are importable without an ATF Form 6.

(3) Member is in possession of a war trophy firearm without a DD Form 603 issued prior to 13 March 1973 or a DD Form 603 issued subsequent to a new Presidential Authorization and DOD designation. Importation of war trophy firearm is otherwise prohibited.

(4) Member cannot produce Customs Form 4457 or Customs Form 4455, Certificate of Registration, an invoice or sales receipt from a licensed US gun dealer, a household goods inventory, or any other written evidence that the member owned and possessed the weapon(s) in the United States. Firearms or ammunition arriving in the CTUS and not accompanied by the required documentation will be detained by the USCS, abandoned by the owner to the US Government, or exported.

(5) USCS will remove firearms which are found in a personal property shipment without proper accompanying documentation from the shipment (remaining personal property will then be released for onward movement) and stored at a designated military or USCS facility to await issuance of required documentation. Responsible military Transportation Officers at the port of entry or the carrier entering the shipment into the CTUS shall ensure that the USCS inspector has executed a CF 6051 (Receipt for Detained Merchandise) and placed a copy with the rest of the shipment in lieu of any firearms that have been removed and detained.

(6) USCS at the port of entry will remove firearms and ammunition in accompanied checked baggage that are not released under a certificate or declaration or not supported by an approved import permit and detain the articles pending receipt of the import permit or other required documentation.

3. Shippers of Firearms and Ammunition. Shippers:

a. Will notify the Transportation Officer at the port of entry where the firearm is detained that application for permit has been submitted to ATF.

b. Will furnish the Transportation Officer at the port of entry the correct address to which the firearm should be shipped when released by the USCS and request onward movement of the firearm be arranged when documentation is complete.

c. Are responsible for providing all proper documentation required for the importation of privately owned firearms and ammunition.

4. Direct Procurement Method (DPM). When firearms are included in DPM shipments of personal property arriving at ports of entry without supporting border clearance documentation, the Transportation Officer at the port of entry or the carrier entering the property into the CTUS shall:

a. Provide liaison with the USCS officials at the port of entry, including having firearms removed from the shipment while releasing the remainder of the personal property for shipment to its destination.

b. Notify the destination Transportation Officer and request that the required documentation from the owner be forwarded.

c. Upon receipt of the approved ATF import permit from the owner, complete the process and provide ATF Form 6A to the USCS, pack and crate the firearm, and promptly forward it to destination.

5. International Through Government Bill of Lading (ITGBL). When firearms are included in ITGBL shipments of personal property moving by commercial carriers, the carrier is responsible for advising the nearest Transportation Officer when firearms are detained by Customs. The carrier will then request assistance in securing release of the firearms for onward movement to the final destination.

6. Disposition of Firearms Not Authorized Importation.

a. Firearms and ammunition which are held by the owner or his agent in an area outside the CTUS and which are not authorized importation shall be disposed of overseas in accordance with applicable departmental regulations and the laws of the country concerned.

b. When an application to import a firearm or ammunition is disapproved and the item as already entered the CTUS, or when the USCS has detained unauthorized firearms or ammunition shipped to the CTUS, the member shall:

(1) At his or her own personal expense, make arrangements to return the firearm to the seller. The member or his agent shall arrange for the exportation of the firearm or ammunition under USCS supervision or for its return to the sender if the firearm was mailed to the member; or

(2) Abandon the firearm to the US Government in accordance with instructions provided by the USCS at the port at which the firearm is detained; or

(3) Submit the firearm to seizure and forfeiture as provided by law.

7. Federal Excise Tax. The Federal Excise Tax imposed on the sale or use of all firearms and ammunition applies to firearms and ammunition acquired overseas and imported into the CTUS. If the member is required to pay the Federal Excise Tax, the member shall file an ATF Form 5300.26, Federal Firearms and Ammunition Excise Tax Return, within thirty (30) days of the end of the calendar quarter in which the firearms or ammunition were imported. Members should contact the ATF nearest to their place of residence for information.

## **CHAPTER 504**

### **DEFENSE COURIER SERVICE (DCS)**

#### **A. GENERAL.**

This chapter sets forth responsibilities and procedures for the entry/exit of national security material arriving/departing the United States in the control of Defense Courier Service (DCS) couriers.

#### **B. POLICY.**

The contents of DCS shipments are exempt from examination, entry, and duty upon presentation of appropriate shipping documentation and courier identification by the DCS courier(s) having custody of the shipment.

#### **C. AUTHORITIES/REFERENCES.**

19 USC, Sections 1498 and 1624, DOD Directive 5200.33, and DOD Regulation 5200.33-R.

#### **D. GENERAL ADVISORIES.**

1. The importation into the Customs Territory of the United States (CTUS) by a DCS courier of any property not owned or sponsored by the United States Government is strictly prohibited. Appropriate action will be taken when any military or civilian employee of the US Government violates this prohibition. Each such violation shall be referred to the cognizant official for consideration under applicable Federal criminal statutes, including the Uniform Code of Military Justice.

2. While the United States Customs Service will monitor selected DCS mission activities, it recognizes the sensitive nature of DCS operations and will not unnecessarily impede DCS shipments.

3. Compromise of material entrusted to the custody of the DCS could gravely effect the security of the United States. The primary DCS security objective is to prevent unauthorized access to material while it is within the DCS system.

#### **E. SCOPE OF OPERATIONS.**

1. The DCS provides secure, worldwide movement of national security material requiring courier escort in support of the DOD, the Department of State, Federal Agencies, NATO, US Allies, and US government contractors. DCS operations are governed by DOD 5200.3 and DOD R 5200.33-R, which also provide guidance to users on material qualified for/prohibited from entry in DCS.

2. DCS operates a network of courier stations across the globe, providing service to

areas where Status of Forces Agreements (SOFAs) or similar agreements ensure that such material will be admitted free of duty and without examination by border clearance officials. The DCS and the Diplomatic Courier Service (Department of State) maintain close liaison and interoperability to minimize duplication of service and provide delivery of DCS courier material into those areas where DCS cannot provide service.

## **F. RESPONSIBILITIES.**

### 1. USCS (on behalf of the Treasury Department).

a. The Assistant Commissioner, Office of Field Operations, shall have policy oversight, to include the formulation and implementation of guidelines for the entry and examination of DCS courier material arriving in the United States.

b. Principal Field Officers (PFO), to include Port Directors, are responsible to develop and establish procedures to process DCS shipments and material in an effective, expeditious, and discrete manner.

c. Supervisors and inspectors involved in the processing of DCS material will ensure the integrity of the US Customs entry requirements while simultaneously working in harmony with DCS couriers to maintain requisite security of their material.

2. DOD . The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD/C3I) will provide overall guidance for policies and procedures necessary to the operation of the DCS and security of material being escorted.

### 3. Defense Courier Service.

a. DCS will prepare appropriate documentation for its shipments entering the United States to facilitate clearance by US Customs inspectors.

b. DCS couriers will cooperate with US Customs officials in actions required to clear shipments for entry into the United States, but will **not** permit examination of their material during the process.

## **G. PROVISIONS.**

1. DCS material consists of highly classified/extremely sensitive correspondence, documents, equipment, and other material owned or controlled by the DOD which has been entered into the DTS for movement to a designated recipient.

2. DCS shipments are transported via various conveyances including, but not limited to, military airlift, US-flag commercial airlift, government-chartered aircraft, and military/commercial vehicles. DCS couriers routinely transit military air bases, and international/landing rights airports, in nations with which the US has a SOFA or similar agreement.

3. DCS material is consolidated for shipment. A DCS shipment may be in any of several forms, to include commercial aircraft containers, military aircraft pallets, wooden

crates or skids, cardboard boxes, canvas pouches, fiberglass shipping chests, as well as US State Department Diplomatic pouches or crates. For purposes of this regulation, articles in DCS custody/control and transported by the DCS system will be referred to as DCS material.

a. Small amounts of DCS material may be hand-carried; larger quantities will be transported as accompanied baggage or cargo and loaded into the aircraft cargo compartment.

b. Handling of DCS material is not part of the Customs Border Clearance Program; therefore, CBCA/MCI-E are not included in the handling of this material for Customs purposes.

4. DCS dedicated (assigned) couriers may be identified by their DCS courier identification card (DCS Form 9) held within a wallet. Escorting couriers who have been "designated" off the crew or passenger manifest to escort the shipment can be identified by their US Government (military or civilian) identification card and designation letter issued by the dispatching DCS station commander.

5. Documentation for DCS shipments consists of a DCS Transfer Form (DCS Form 32), a multi-purpose form used as both a containment invoice and a transfer document, upon which has been stamped the DCS Customs Seal, and which contains a listing of the shipment identification number. The shipment documentation package will also include a diskette indicating the various containments/articles included within the shipment.

a. Used as a transfer (between DCS stations), DCS Form 32 reflects the originating DCS station, the type of containment, its identifying number (e.g. BA-L-000032), and the total containment weight. The identification number can be cross-referenced to the corresponding DCS Form 6 (Address Label) or Form 8 (Pouch Tag) on the containment, which also reflects the originating DCS station, weight, destination, and any special handling instructions.

b. As an invoice (for a containment), DCS Form 32 reflects the individual article numbers, addressees, special handling instructions, and weight of each package inside that containment.

## **H. PROCEDURES.**

1. When customers enter material into the DCS system, they certify that the material is qualified for shipment by the DCS. A copy of this entry form (DCS Form 1) is retained by the servicing DCS station and customer. Qualified DCS material is described in DOD 5200.33 and is considered as American goods returned under 9801.00.10 HTSUS. DCS does not transport contraband, HAZMAT, explosives, currency, or other/similar items which require special coordination/exemption or are in violation of IATA/FAA convention.

2. Upon arrival in the United States, DCS couriers escorting material shall present their credentials and shipment documentation to the Customs officer. The couriers will also provide their personal Customs Declaration form since they will not follow normal air traveler customs clearance procedures.

3. Personal identification. The name and signature of the escorting couriers must match those on the bottom of the DCS Form 32 (Transfer). Dedicated DCS couriers (primary duty as a DCS courier) can be identified by DCS credentials (defined above). Personnel "designated" as couriers (primary duty outside DCS) for a mission are provided a designation letter by the dispatching station commander (or his representative) and can be identified by a laminated federal (military/civilian) identification card.

4. Customs officers will release DCS material when presented with the shipment documentation described above by the escorting couriers. This material is exempt from examination, entry, and duty. Such exemption does NOT extend to accompanying personal property of the couriers.

5. When a Customs inspector has reason to believe a DCS shipment may contain articles other than qualified DCS material, it may be detained or seized by Customs; however, it will remain in the control of the escorting couriers.

a. The couriers will initially present the Customs officer with all available shipment documentation in an attempt to satisfy his/her challenge. If this is not successful, the couriers will be allowed to contact the nearest DCS station by telephone to obtain instructions. The station commander will, in turn, contact Headquarters, Defense Courier Service (HQ DCS), to initiate a clarification of the validity of the material or otherwise assist in resolving the matter.

b. Customs officers WILL NOT examine the DCS material or separate the escorting couriers from the material in their charge. Arrangements for handling and examining the material will be coordinated with the HQ DCS, the originating (or receiving) agency, and an appropriately-cleared Customs official.

6. US Customs officials will implement the procedures outlined in this regulation to ensure the integrity of the Customs program while simultaneously working with DCS couriers to maintain requisite security of DCS material.

## **I. REPORTING PROCEDURES.**

Reporting requirements are in accordance with established US Customs and DCS directives.



# **CHAPTER 505**

## **AGRICULTURAL CLEANING AND INSPECTION REQUIREMENTS**

### **A. SCOPE.**

1. This chapter prescribes procedures, assigns responsibilities, and defines requirements for the prevention of the introduction of agricultural pests into the United States by the DOD . Destructive pests such as gypsy moths, brown tree snakes, several varieties of snails, and other species can hitchhike on military equipment and personal effects. Foreign soil attached to equipment can harbor pests and animal diseases. These pests can cause immense damage to America's natural resources, destroy crops, and disrupt the export of agricultural commodities.

2. Foreign agricultural restrictions are specified by country in appropriate chapters of this regulation, however the same general responsibilities of DOD activities for the prevention of agricultural pest movements apply to export shipments from the United States to foreign countries as well as on imports to the United States.

### **B. POLICY.**

It is the policy of the DOD that all organizations and personnel involved in the movement of DOD -sponsored cargo, personal property, and accompanied baggage will take those steps necessary to prevent the spread of agricultural pests from one location to another. This includes movement not only across national borders, but any movement that has the potential to introduce invasive species to a new area. It includes shipments from DOD installations and vendor locations by both military and commercial carriers.

### **C. RESPONSIBILITIES.**

1. Office of the Deputy Under Secretary of Defense (Environmental Security) (DUSD (ES)) is responsible for furnishing technical guidance and recommendations to the DOD on means of preventing the return of quarantine pests and organisms which may disrupt the natural ecosystem.

2. United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) is responsible to provide guidance, informational materials, and conduct training for DOD personnel. APHIS will provide personnel to assist in pre-clearances and to train DOD personnel for inspection, cleaning and disinfecting of material and personnel. APHIS and DOD will establish reimbursable agreements as required to accomplish this mission. APHIS is the final authority on the pest risk status of material.

3. Unit commanders are responsible for ensuring that the requirements specified in this chapter are met and that procedures are followed to prevent agricultural pests from entering the United States when that unit is returning personnel and/or equipment to the United States.

4. Port and transportation commanders will ensure that the requirements specified in this chapter are met and that procedures are followed. They will not allow the movement of cargo or cargo containers from their facilities unless they are apparently free of soil and pest infestation.

#### **D. REQUIREMENTS.**

1. All personnel involved in the movement of ships, aircraft, personnel, cargo (including ordnance), containers, packing material, POVs, personal property and APO mail will assure the following requirements are satisfied prior to that movement:

a. Baggage. Baggage of all crew, passengers, or troops will be presented for inspection by USDA officers or designees. Commanders must assure crew, passengers, and troops are informed of requirements to have soil and pest free foot and web gear and informed not to carry prohibited plant and animal material.

b. Cargo. Cargo will not be loaded aboard any conveyance in a foreign country, for movement to the US, unless it is free of animal and plant contamination or pest infestations as required by the USDA.

c. Packing Material. All wood packing material, dunnage, pallets and crating, must be soil and bark free and apparently free of pest infestations.

d. Stores. Stores and in-flight meals are prohibited entry into the United States and must be disposed or safeguarded in accordance with USDA requirements upon entry.

e. Garbage. Garbage will be placed in leak proof, covered containers and disposed of following port procedures authorized by, or under surveillance of the USDA representative. Disposal facilities to incinerate or sterilize must be available before military conveyances will be allowed landing or docking at a US base or port.

f. Containers and Pallets. Cargo containers/pallets will not be stored directly on bare ground unless provisions are made to clean the containers/pallets of soil and pests before movement.

2. Detailed cleaning and inspection procedures can be found in the Armed Forces Pest Management Board Technical Information Memorandum No. 31, Contingency Retrograde Washdowns: Cleaning and Inspection Procedures. This document is available on the following web site URL: <http://www.afpmb.org/pubs/tims/tim31.htm>.

#### **E. REQUESTS FOR AGRICULTURE PRECLEARANCE.**

1. USDA, in cooperation with DOD , will pre-clear cargo and passengers returning to the Customs Territory of the United States (CTUS). This pre-clearance program is available for redeployments from major exercises or contingencies. Pre-cleared exercises will require little or no APHIS inspection into the United States. Pre-clearance will lessen the pest risk and expedite the movement of personnel and equipment into the United States. If the supported command determines that pre-clearance of redeploying cargo and passengers will enhance mission effectiveness, the following request procedure must be

followed:

a. The supported unit shall submit requests for USDA pre-clearance processing to USDA Headquarters (see subparagraph G for address and telephone number). Theater directives shall prescribe procedures for processing such requests within the responsible unified command (see subparagraph E. 3. for USEUCOM requirements).

b. Requests must include, as a minimum: (1) the date, time and place of overseas departure; (2) date/time of CTUS arrival; (3) the number and type of aircraft or ships; (4) the number of passengers and amount and type of cargo, to include vehicles and other unit equipment; (5) identification of all enroute stops between the overseas departure point and the CTUS port of entry; and whether the border clearance integrity of the aircraft or ship will be maintained.

c. Requests should be electrically transmitted, to the appropriate theater command as part of the initial planning of the redeployment, but not later than 45 days prior to the execution. Theater commands shall forward the approved request to APHIS Headquarters not less than 30 days prior to the first movement. Direct contact with APHIS Headquarters is authorized. USTRANSCOM/J4-LT will assist with coordination as needed.

d. Approval of pre-clearance requests under the provisions of this section does not negate any requirements for the carrier to ensure that entry is accomplished at an established CTUS port of entry. This port of entry may be a Regular or Special Foreign Clearance Base, an international commercial airport or seaport of entry, or any other airport or seaport where a Federal Inspection Service (FIS) capability exists or can be arranged for on an exception basis.

e. If use of any CTUS port of entry other than those regularly staffed by FIS personnel is planned, the requesting organization or carrier operator is responsible for coordinating necessary requirements with APHIS Headquarters.

2. Reimbursement. Agreements must be in place to reimburse APHIS advisors conducting pre-clearance duties in conjunction with returning personnel and equipment from training exercises.

3. USEUCOM Procedures. USEUCOM, with the cooperation of in-theater USDA representatives has established a pre-clearance program to enforce USDA requirements and have made agricultural pre-clearances mandatory. If exercise redeployments are originating in the EUCOM AOR, the supporting unit should contact the EUCOM Customs Executive Agent (HQ USAREUR/ECJ1-CEA) directly to coordinate for pre-clearance assistance. Their web site URL is: <http://www.hqusareur.army.mil/opm/customs.htm>.

## **F. PRE-CLEARANCE PROCEDURES.**

Ships, aircraft, personnel, cargo ( including ordinance ) packing material, POVs, personal effects, and APO mail must be free of prohibited and restricted plants, animals, and plant and animal products when returned to the United States.

1. Inspectors: USDA inspectors, or trained and certified CBCA or MCI-E inspectors will

conduct these inspections.

2. Training: USDA will conduct training for DOD personnel. DOD will be responsible for providing reimbursement for training in OCONUS sites. USDA will fund routine training of MCI-E or other designees in the United States.

3. Facilities: Inspections must be conducted in natural or well lighted areas. Cleaning and disinfecting must be conducted in areas approved by USDA or designees. Commodities or equipment which have been approved for return to United States must be stored in such a manner as to prevent reinfestation with pests or contaminants. These areas must be approved by USDA officers or designees.

4. Reporting: Numbers of inspection, cleaning and disinfecting should be reported, through the chain of command, to DUSD (ES) and APHIS. APHIS and DUSD (ES) must be informed of interceptions of significant pests. APHIS will assist in the identification of pests.

5. During exercises, unit moves, deployments, redeployments, or other special airlift/sealift operations, CBCAs, in conjunction with USCS/USDA personnel, shall inspect all crews, troops, passengers, and their accompanied baggage, professional equipment, issued weapons, cargo and aircraft prior to departure from overseas bases (airfields/ports) when the planned destination is the CTUS. To expedite clearance upon redeployment to the CTUS:

a. Accompanied baggage and professional equipment excess to immediate personal needs will be inspected in the presence of the member by an CBCA/APHIS team one or two days prior to unit redeployment. The baggage will then be secured and held in a sterile area from the time of the inspection until arrival at the US port of entry.

b. The CBCA/APHIS team will inspect hand-carried baggage at the time passengers are processed into a sterile area for isolation until actual departure. If a sterile area is not available, the CBCA/APHIS team shall inspect the personnel and hand-carried baggage at the ocean or air terminal immediately prior to embarkation. If someone who has been inspected and is waiting in the sterile area finds it necessary to depart the area, that person must undergo a new inspection when they return to the sterile area.

c. The CBCA/APHIS team shall inspect unit equipment prior to its being loaded on the ship or aircraft to insure the equipment meets USCS and USDA border clearance requirements. The redeploying unit will ensure that personal property, such as a footlocker, is readily identified and retains its individual integrity distinct from military cargo during shipment.

6. Some exercises may be pre-cleared for APHIS and not for US Customs. In these circumstances, US Customs clearance may be required upon arrival in the United States. Personnel and equipment should not require additional APHIS inspection. APHIS always retains the right to do integrity checks in the United States.

#### **G. REQUEST FOR MILITARY CUSTOMS INSPECTION-EXCEPTED (MCI-E) PROGRAMS FOR AGRICULTURAL INSPECTIONS.**

APHIS allows for MCI-E programs at selected bases in the United States. These bases are usually remote from local APHIS offices or receive low risk conveyances or shipments. In these programs, APHIS trains and certifies local DOD personnel to do inspections for APHIS. If a base commander is interested in establishing a program, the local APHIS should be contacted. APHIS Headquarters can supply contact telephone numbers.

**USDA APHIS PPQ  
Port Operations  
4700 River Rd.  
Riverdale, Md. 20737**

**Telephone number: (301) 734-8295**

#### **H. ARMED FORCES PEST MANAGEMENT BOARD.**

The Armed Forces Pest Management Board (AFPMB) was established by DOD Directive 4715.1, Environmental Security, and operates under DOD Instruction 4150.7, DOD Pest Management Program. The AFPMB recommends policy, provides guidance, and coordinates the exchange of information on all matters related to pest management throughout the DOD . This board has representation of each of the military departments and DLA. As such, this permanently staffed organization is an important source of assistance related to the prevention of movement of invasive species, especially on incidents involving quarantine, fumigation, disinsectization, etc. Their web site can be found at the following URL: <http://www.afpmb.org>. In the event that quarantine becomes necessary, additional guidance is provided in AFJI 48-104, Quarantine Regulations of the Armed Forces.

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## **CHAPTER 506**

# **UNITED STATES CUSTOMS SERVICE PRE-CLEARANCE PROGRAM**

### **A. POLICY.**

1. The MCI program from OCONUS shore-based locations has been cancelled and is no longer recognized by USCS. However, USCS will support pre-clearance (by CBCAs) for major unit redeployments in conjunction with FTX or contingencies. This chapter outlines the policy and procedures to conduct those pre-clearance operations.

2. In order to effectively and efficiently conduct redeployment operations for exercises, contingencies, or other special airlift/sealift operations, theater CINCs may request USCS pre-clearance for redeployments of units, their equipment and sustaining supplies. Timelines for pre-clearance of redeployments should be established during the planning phase of the exercise, or concurrently with the deployment phase during crisis action planning for a contingency. The theater CINC and the component commands involved in the redeployment must ensure that there are adequate facilities available for pre-clearance operations and work with the Services to identify military law enforcement personnel to be trained as CBCAs. Costs incurred by implementing provisions of this section (e.g., transportation, per diem, overtime charges) will normally be borne or furnished in kind by the requesting Service or Agency. If the supported command determines that pre-clearance of redeploying cargo and passengers will enhance mission effectiveness, the following request procedure must be followed.

### **B. PROCEDURES FOR REQUESTING PRE-CLEARANCE.**

1. The supported unit shall submit requests for pre-clearance processing to the office of the appropriate theater command's Customs and Border Clearance Staff Coordinator. Theater directives shall prescribe procedures for processing such requests within the responsible unified command.

2. Requests must include, as a minimum:

- a. The date, times and place of departure from foreign country.
- b. Date, time and proposed place of CTUS arrival.
- c. The number and type of aircraft or ships.
- d. The number of passengers, and amount and type of cargo, to include vehicles and other unit equipment.
- e. Identification of all en-route stops between the foreign departure point and the CTUS port of entry, and whether the border clearance integrity of the aircraft or ship will be maintained during those stops. If pre-clearance integrity cannot be maintained, pre-

clearance authority is lost.

3. Requests should be electronically transmitted, to the appropriate theater command as part of the initial planning of the redeployment, but not later than 75 days prior to the execution. The theater Customs and Border Clearance Staff Coordinator shall forward the approved request to USTRANSCOM/J4-LT, Scott AFB, IL not less than 60 days prior to the first movement. USTRANSCOM/J4-LT will coordinate with the USCS for support.

4. The responsible unified command Customs and Border Clearance Coordinator will review the requests. The review will include an assessment of the capability of the theater command to accommodate the request for pre-clearance. In those instances where the unified command determines exercise pre-clearance can not be accommodated or is not cost effective, the exercise unit will be required to return to the CTUS through a predetermined CTUS port of entry where US border clearance can be accomplished.

5. Approval of pre-clearance requests under the provisions of this section does not negate any requirements for the carrier to ensure that entry is accomplished at an established CTUS port of entry. This port of entry may be a Regular or Special Foreign Clearance Base, an international commercial airport or seaport of entry, or any other airport or seaport where a Federal Inspection Service (FIS) capability exists or can be arranged for on an exception basis. (Refer to DOD 4500.54-G, DOD Foreign Clearance Guide, North and South America, for United States of America aircraft entry requirements.)

6. If use of any CTUS port of entry other than those regularly staffed by FIS personnel is planned, the requesting organization or carrier operator is responsible for coordinating necessary requirements with the appropriate Customs Management Center or Port Directors office of the USCS and other US border clearance agencies.

### **C. TRAINING AND CERTIFICATION OF CBCAS.**

1. The theater CINC and the Service component will coordinate the request to the appropriate Service for sourcing of military law enforcement personnel to act as CBCAs for the duration of the redeployment. Personnel should be E-4 and above.

2. Training will be provided, and approved by USCS.

3. Training may be accomplished in CONUS or at an overseas location, if necessary.

4. Upon successful completion of the training USCS will provide certification for trainees.

5. Trained personnel will be appointed on orders as CBCAs by the sponsoring Service component command. Orders should include an effective termination date.

6. USCS will provide advisors to oversee actual pre-clearance operations.

### **D. RESPONSIBILITIES OF CUSTOMS/BORDER CLEARANCE AGENTS.**



CBCAs are responsible for:

1. Performing their duties in accordance with this regulation and US and/or foreign country border clearance requirements.
2. Inspecting and certifying that DOD -owned materiel, personal property, and passengers are acceptable for entry into the US. If contraband is discovered during the inspection process, the CBCA is to notify proper legal authority.
3. Representing the commander in performance of inspections, and ensuring that the documentation for which they are responsible accompanies all shipments or personnel.
4. Ensuring that customs/border clearance violations are expeditiously reported to the appropriate legal authority or military agency for disposition.
5. Conducting all inspections and examinations in a professional, expeditious, and courteous manner.
6. CBCAs will not, under any circumstances, collect or accept duty payments.

#### **E. PRE-CLEARANCE REQUIREMENTS.**

CBCAs, in conjunction with USCS/USDA personnel, shall inspect all crews, troops, passengers, and their accompanied baggage, professional equipment, issued weapons, cargo and aircraft prior to departure from overseas bases (airfields/ports) when the planned destination is the CTUS. To expedite clearance upon redeployment to the CTUS:

1. Accompanied baggage and professional equipment excess to immediate personal needs will be inspected in the presence of the member by an CBCA /USCS team one or two days prior to unit redeployment. The baggage will then be secured and held in a sterile area from the time of the inspection until arrival at the US port of entry.
2. The CBCA/USCS team will inspect hand-carried baggage at the time passengers are processed into a sterile area for isolation until actual departure. If a sterile area is not available, the CBCA/USCS team shall inspect the personnel and hand-carried baggage at the ocean or air terminal immediately prior to embarkation. If someone who has been inspected and is waiting in the sterile area finds it necessary to depart the area, that person must undergo a new inspection when they return to the sterile area.
3. The CBCA/USCS team shall inspect unit equipment prior to its being loaded on the ship or aircraft to insure the equipment meets USCS and USDA border clearance requirements. The redeploying unit will ensure that personal property, such as footlockers, is readily identified and retains its individual integrity distinct from military cargo during shipment.
4. Personal customs declarations will be completed while en-route.

#### **F. PRE-CLEARANCE COORDINATION AND COMMUNICATION.**

Coordination with, and notification of affected organizations of actual pre-cleared passengers, baggage and cargo shipments is critical to the successful implementation of the pre-clearance program for exercises, contingencies, or other special airlift/sealift operations. At a minimum, the following communications must occur after pre-clearance operations have been approved.

1. Upon approval and agreement of the USCS to support pre-clearance operations, the theater command customs and border clearance coordinator will notify affected organizations using the message format shown in Figure 506-1.
2. Airlift and sealift schedulers will keep the USCS notified of redeployment routing and schedules as soon as they are developed. USCS will notify regional and local port directors so that pre-cleared passengers, baggage, and cargo are not unnecessarily re-inspected.

#### **G. AIRBORNE TROOPS.**

Procedures described above are applicable to airborne troop movements with an airdrop upon return to the CTUS so long as the airdrops have been coordinated with USCS director in the district involved. The annotated customs declaration of these personnel must be provided to a member of the aircrew, preferably the aircraft commander, prior to the airdrop. The CBCA/USCS team shall advise the aircrew member that the declarations must be turned over to USCS inspectors at the port of entry for the aircraft.

## SAMPLE

FROM: (Theater customs and border clearance coordinator)

TO: (Theater aerial ports)  
(Theater water ports)  
(Theater component customs clearance offices and/or activities)

INFO: CDR MTMC ALEXANDRIA VA//MTOP//  
HQ AMC TACC SCOTT AFB IL//XOC/XOO//  
COMSC WASHINGTON DC//PM-5//  
USCINTRANS SCOTT AFB IL//MCC/TCJ4-LT//  
DA WASHINGTON DC//DALO-TSP//  
HQ USAF WASHINGTON DC//ILTT//  
CMC WASHINGTON DC//LFT/LPO//  
CNO WASHINGTON DC//N41//

SUBJ: US CUSTOMS PRECLEARANCE FOR (NAME OF EXERCISE OR OPERATION)

1. US CUSTOMS PRECLEARANCE OPERATIONS HAVE BEEN COORDINATED AND APPROVED FOR (NAME OF EXERCISE OR OPERATION) IAW DOD 4500.9-R, DEFENSE TRANSPORTATION REGULATION, PART V.
2. POLICY AND PROCEDURES OUTLINED IN DOD 4500.9-R, PART V, CHAPTER 506 APPLY.
3. USCS ADVISORS WILL BE DEPLOYED TO (LOCATION) FROM (DATE) TO (DATE) TO SUPERVISE PRE-CLEARANCE ACTIVITIES.
4. AERIAL AND WATER PORTS SHOULD SET UP STERILE AREAS TO STORE PRE-CLEARED BAGGAGE AND CARGO PRIOR TO REDEPLOYMENT.
5. REQUEST AIRLIFT AND SEALIFT SCHEDULERS NOTIFY USCS OF FLOW SCHEDULES AND ROUTINGS TO AVOID UNNECESSARY RE-INSPECTIONS IN CONUS.
6. ADDITIONAL INSTRUCTIONS:
7. POC IS (NAME, ORGANIZATION, TELEPHONE NUMBER, DSN & COMMERCIAL).

**Figure 506-1.** Sample Customs Pre-clearance Announcement Message

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## **CHAPTER 507**

### **MILITARY CUSTOMS INSPECTORS-EXCEPTED (MCI-E)**

#### **A. DESIGNATION.**

Military Customs Inspectors-Excepted (MCI-Es), will be given an appointment by the base commander and, placed on orders and issued a Customs Form 55 (Designation, Customs Officer-Excepted), designating him or her as an MCI-E by USCS. By agreement with appropriate military commands, the USCS will specifically train military and civilian personnel to act as Military Customs Inspectors-Excepted at selected CTUS military bases. This document authorizes the individual to perform the duties of a US Custom Inspector in the CTUS. The CF 55 must be surrendered to USCS upon change of assignment or change of station.

#### **B. SCOPE.**

A memorandum of understanding (MOU) negotiated between the base commander and the local USCS Port Director usually establishes an MCI-E program. Base commanders should request USCS re-certify the base MCI-E program yearly. The scope of MCI-E duties will be designated on the form and may vary from base to base and location to location. Those persons so designated will be responsible for the enforcement of the regulations of the USCS and other border clearance agencies. This responsibility may require the examination of military aircraft, accompanied and unaccompanied baggage, personnel, and certain cargo. Consideration should be given to limit the designation of MCI-E's to law enforcement personnel. USCS does not authorize MCI-Es to conduct personal searches or to collect duties, fines, or applicable federal taxes.

#### **C. RESPONSIBILITIES.**

MCI-E's may inspect or examine baggage and professional equipment. Inspections will be accomplished in a courteous and professional manner. All passengers and crewmembers are subject to inspection. The degree to which accompanied baggage or equipment is inspected or examined is dependent upon the discretion and judgement of the MCI-Es. "Dumping" of baggage contents is against both DOD and USCS policy and is prohibited.

Report any interference in the performance of the assigned duties to the closest Customs Port Director and the appropriate military commander.

#### **D. TRAINING AND CERTIFICATION.**

Training and certification of MCI-Es is accomplished under the auspices of the Director, Field Operations of the appropriate Customs Management Center. CONUS base commanders requiring the establishment of an MCI-E capability are authorized direct communication with the Director, Field Operations of the appropriate Customs Management Center (CMC) to request the necessary training. For a listing of locations

and phone numbers of CMCs, see the USCS web page (<http://www.customs.ustreas.gov>)

1. Training Assistance:

(a) Instruction, training material, and limited training aids are available from the USCS and the USDA Animal and Plant Health Inspection Service (APHIS). See Chapter 505, USDA, for additional information.

(b) Requests for USCS and USDA support shall be forwarded to the local Port Director for US Customs and USDA.

2. Costs associated with training (e.g., transportation, per diem, overtime) shall be borne by the requesting DOD organization.

3. Instruction shall include but not be limited to the following subjects:

(a) Customs, agriculture, and immigration orientation.

(b) Preparation of border clearance forms.

(c) Exemptions.

(d) Art of inspection.

(e) Drugs and drug enforcement.

(f) Firearms and ammunition.

(g) Restricted and prohibited articles.

(h) Customs enforcement.

(i) Inspection workshops (OJT under supervision).

(j) Smuggling methods of operation and concealment and detection techniques.

4. HQ USTRANSCOM shall be notified when an MCI-E capability has been established.

## **E. APPOINTMENT.**

1. MCI-E's shall be appointed by the base commander and certified on Customs Form CF-55 by the local Port Director of Customs.

2. Certification/appointments are command specific and automatically terminate when an MCI-E is transferred to a new command.

3. The base MCI-E Program should be re-certified annually. Re-certification and refresher training for individual MCI-E's should be conducted periodically as conditions

change or the individual situation warrants, and may be accomplished at the same time as program re-certification.

4. USDA Regulations: MCI-Es or other appropriate military or civilian personnel may also be designated to enforce USDA regulations. When this designation is necessary, training will be conducted by USDA. Local contact points for USDA can be obtained from the USDA, APHIS, PPQ. See Chapter 505, for USDA information.

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# **CHAPTER 508**

## **US EXPORT REQUIREMENTS**

### **A. GENERAL.**

This chapter outlines US Customs and Border Clearance requirements for DOD shipments exported from the CTUS. It covers DOD shipments from DOD activities and from non-DOD activities (contractor or vendor) by both commercial and military carriers. Export shipments of US Government property consigned to a US Government facility or agency, and intended for their exclusive use, do not require either an Export License, or a Shipper's Export Declaration. Export shipments of non-government owned material exiting the United States must comply with federal export licensing/permit requirements.

### **B. POLICY.**

It is DOD policy to comply with US Export laws as they relate to DOD shipments, in the most efficient manner possible while maintaining the effectiveness of the military mission. US Export requirements are generally outlined in the Code of Federal Regulations, Titles 15 and 22. Applicable sections of these regulations are referenced in the following paragraphs.

### **C. DOCUMENTATION AND MARKING.**

To insure the efficient and timely clearance of DOD cargoes through USCS and Theater Customs/Border Clearance Agencies, and to preclude the assessment of duties and taxes when they are not warranted, it is imperative that all shipping documents, customs forms and markings on packaging, are complete and free of abbreviations or acronyms.

### **D. EXPORT LICENSES.**

1. General Requirement. The USCS is responsible for ensuring that all goods entering and exiting the United States do so in accordance with all applicable US laws and regulations. Although Customs enforces these export regulations for various other government agencies, specific questions pertaining to commodity licensing requirements should be directed to that lead agency.

2. The two principal statutes that govern US export controls are: (1) the Export Administration Act of 1979, as amended, which controls "dual-use" items and is administered by the Department of Commerce; and (2) the Arms Export Control Act (AECA), which controls munitions items and is administered by the Department of State. In addition, other statutes administered by other US Government agencies govern exports of certain other items.

3. The Department of Commerce, Bureau of Export Administration (BXA). BXA is the primary licensing agency for dual use exports (commercial items, which could have military

applications). Agency information, telephone numbers, and basic commodities, which may require export licenses, are available on the US Department of Commerce, Bureau of Export Administration web site, <http://www.bxa.doc.gov>. Other departments and agencies have regulatory jurisdiction over certain types of exports and re-exports. Some of these agencies, which license defense related material, include:

- a. Department of State, Office of Defense Trade Controls (ODTC), which licenses defense services and defense (munitions) articles.
- b. Department of Treasury, Office of Foreign Assets Controls (OFAC), which administers and enforces economic and trade sanctions.
- c. Nuclear Regulatory Commission, Office of International Programs, which licenses the exportation of nuclear material and equipment.
- d. Department of Energy, Office of Arms Control and Nonproliferation, Export Control Division, licenses nuclear technology and technical data for nuclear power and special nuclear materials.
- e. Department of Energy, Office of Fuels Programs, which licenses natural gas and electric power.
- f. Defense Threat Reduction Agency (DTRA)–Technology Security. A DOD agency responsible for the development and implementation of policies on international transfers of defense related technology. DTRA also reviews certain dual use export license applications referred by Department of Commerce.

4. Export Administration Regulation (EAR). Of those exports and re-exports subject to the EAR, a relatively small percentage requires the submission of a license application to the Department of Commerce. License requirements are dependent upon an item's technical characteristics, the destination, the end-use, and the end-user, and other activities of the end-user. For information on procedures for determining whether or not an export license is required and which agency has jurisdiction, refer to the BXA web page.

## **E. SHIPPER'S EXPORT DECLARATION (SED).**

Shipper's Export Declarations (SEDs), are used for compiling official US Export Statistics and for export control purposes. Requirements for the SED are detailed in 15 CFR, Part 30.

1. **SEDs are not required** for shipments to the US Armed Services including:
  - a. All commodities consigned to the US Armed Services, including exchange systems. This exemption does not apply to shipments which are for the ultimate use of the US Armed Services but which are not consigned to the US Armed Services.
  - b. DOD Military Assistance Program Grant-Aid shipments being transported as DOD cargo. DOD will furnish information on these shipments for inclusion in US export statistics directly to the Bureau of the Census. This exception from the filing of Shipper's

Export Declarations does not apply to Military Assistance Program Grant-Aid shipments to which a foreign government has taken title before exportation or to any Grant-Aid Military-Aid Program shipment moving in any manner other than as DOD cargo. (See 15 CFR, Sec. 30.37 for possible exceptions to the full reporting requirements of 15 CFR, Sec. 30.7 for certain military sales shipments not exempt from the requirement for the Shipper's Export Declaration.)

c. Shipments to US Government Agencies and employees for their exclusive use.

2. Export shipments not specifically consigned to US Armed Forces may require a SED. The Correct Way To Fill Out The Shipper's Export Declaration site (<http://www.census.gov/foreign-trade/www/correct.way.html>) provides step by step instructions on how to complete an SED and when an SED is required. However, special exceptions to the SED requirement, which may in some circumstances apply to shipments for the ultimate use of the US Armed Services, but not so consigned, are provided in Sec. 30.37.

#### **F. SHIPMENTS CONSIGNED TO THE US ARMED SERVICES.**

1. Shipments consigned to a US Armed Services activity on a Bill of Lading or on AMC controlled airlift or MSC controlled sealift are assumed to be "consigned to the US Armed Services for their exclusive use, including shipments to Armed Services Exchange Systems" and are exempt from Shipper's Export Declaration requirements.

2. Shipments on Commercial Bills of Lading may not be as readily identifiable as DOD shipments to USCS authorities as those made on a GBL. Therefore, each CBL prepared for a shipment consigned to a US Armed Services activity should contain the following statement: "This shipment is exempt from the Shipper's Export Declaration requirement based on 15 CFR, Section 30.52."

#### **G. SHIPMENTS CONSIGNED TO NON-DOD ACTIVITIES (CONTRACTORS OR VENDORS).**

Shipments that are not consigned to US Armed Services activities or are not DOD MAP Grant-Aid shipments under the provisions of paragraph E.1. b., are required to have the Shipper's Export Declaration, and depending on the commodity, may require an export license, as well. If the commodity shipped is a temporary export by or to a DOD activity (i.e., a repairable), then exceptions may be possible for the requirement for reporting complete commodity detail.

#### **H. STATE DEPARTMENT LICENSE REQUIREMENTS.**

1. The Office of Defense Trade Controls (ODTC). The ODTC controls the permanent and temporary export and temporary import of defense articles and defense services by taking final action on license applications and other requests for approval for defense trade exports and re-transfers, and handling matters related to defense trade compliance, enforcement and reporting.

2. AECA. The AECA governs most aspects of defense trade and security assistance.

The AECA establishes parameters for the export of defense articles and defense services and the corresponding regulations are included in the International Traffic in Arms Regulations (ITAR), (22 CFR, Sections 120-130). For additional information on the ITAR and the US Munitions List, which details defense items requiring an export license, contact the Office of Defense Trade Controls, Bureau of Political and Military Affairs, Department of State (<http://www.state.gov>).

## **I. PRIVATELY OWNED VEHICLE EXPORT REQUIREMENTS.**

1. Interpretation and Application of 19 CFR Part 192. Section 192.1 Definitions. The following are general definitions for the purposes of 19 CFR 192.2:

a. Certified. "Certified" when used with reference to copy means a document issued by an authorized authority that includes on it a signed statement by the authority that the copy is an authentic copy of the original.

b. Copy. "Copy" refers to a duplicate or photocopy of an original document. When there is any writing on the backside of an original document, a "complete copy" means that both sides of the document are copied.

c. Export. "Export" refers to the transportation of merchandise out of the US for the purpose of being entered into the commerce of a foreign country.

d. Self-Propelled Vehicle. "Self-propelled" vehicle includes any automobile, truck, tractor, bus, motorcycle, motor scooter, motor home, self-propelled agricultural machinery, self-propelled construction equipment, self-propelled special use equipment, and any other self-propelled vehicle used or designed for running on land but not rail.

e. Ultimate Purchaser. "Ultimate Purchaser" means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a self-propelled vehicle for purposes other than resale.

f. Used. "Used" refers to any self-propelled vehicle where the equitable or legal title to which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

g. Documentary Status. It is the responsibility of the reviewing inspector to ensure that an original certificate of title is presented as provided for in 19 CFR 192.2 (b). The certificate of title is the core requirement in the Customs export process, regardless of the vehicle's economic value, physical condition, or operating order.

h. Structure of the Regulations. Procedurally, all exporters or their agents who present a document to Customs are to begin at 19 CFR 192.2 (b) (1) (i) and then progress through each subsection until the exporter arrives at the section and subsection(s) that apply to the vehicle that has been presented to Customs for export. This procedure ensures that no requirement is misinterpreted, misapplied, or circumvented by either the exporter or the reviewing Customs officer.

2. Section 192.2 Requirements for Exportation.

a. Basic requirements. A person attempting to export a used self-propelled vehicle shall present to Customs, at the port of exportation, both the vehicle and the required documentation describing the vehicle to include the VIN or, if the vehicle does not have a VIN, the product identification number (PIN). Exportation of a vehicle will be permitted only upon compliance with these requirements, unless the vehicle was entered into the United States under an in-bond procedure, a carnet, a Temporary Importation Bond, or under a personal exemption for non-residents who entered the vehicle for a 1-year period.

b. Documentation required.

(1) For US Titled Vehicles:

(a) Vehicles issued an original certificate of title. For used, self-propelled vehicles, issued by any jurisdiction in the United States, with a Certificate of Title or a Salvage Title that remains in force, the owner must provide to Customs the original Certificate of Title or a Certified Copy of the Certificate of Title and two complete copies of the original Certificate of Title or the Certified Copy of the original.

(b) Where title evidences third-party ownership/claims. If the used, self-propelled vehicle is leased or in the case of a vehicle where a recorded lien exists in the US, in addition to complying with paragraph 2b(1)(a) of this section, the provisional owner must provide to Customs a separate writing from the third-party-in interest which expressly provides that the subject vehicle may be exported. This writing must be on the third-party's letterhead paper and contain a complete description of the vehicle including the Vehicle Identification Number (VIN), the name of the lessor of the leased vehicle or lien-holder, and the telephone numbers at which that lessor or lien-holder may be contacted and must bear an original signature of the third-party and state the date it was signed.

(c) Where US Government Employees are involved. If the used self-propelled vehicle is owned by a US Government Employee and is being exported in conjunction with that employee's reassignment abroad pursuant to official travel orders, then, in lieu of complying with paragraph b. of this section, the employee may be required to establish that he has complied with the sponsoring agency's internal travel department procedures for vehicle export.

(2) For Foreign-Titled Vehicles. For used, self-propelled vehicles that are registered or titled abroad, the owner must provide to Customs the original document that provides satisfactory proof of ownership (with an English translation of the text if the original language is not in English), and two complete copies of that document (and translation, if necessary).

(3) For Untitled Vehicles.

(a) Newly manufactured vehicles, issued a Manufacturer's Statement of Origin (MSO). For newly manufactured, self-propelled vehicles that are purchased from a US manufacturer, distributor, or dealer that become used and are issued an MSO, but not issued a certificate of title by any jurisdiction of the United States, the owner must provide to Customs at the time and place specified in this section, an original MSO and two

complete copies of the original MSO.

(b) Newly manufactured vehicles not issued an MSO. For newly-manufactured, self-propelled vehicles purchased from a US manufacturer, distributor, or dealer that become used and not issued an MSO or a Certificate of Title by any jurisdiction of the United States, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to Customs, at the time and place specified in this section, an original document that proves ownership, such as a dealer's invoice, and two complete copies of such original documentation.

(c) Vehicles issued a junk or scrap certificate. For vehicles for which a junk or scrap certificate, issued by any jurisdiction of the US, remains in force, the owner must provide to Customs the original certificate or a certified copy of the original document and two complete copies of the original document or certified copy of the original.

(d) Vehicles issued a title or certificate that is not in force or are otherwise not registered. For vehicles that were issued, by any jurisdiction of the US, a title or certificate that is no longer in force, or that are not required to be titled or registered, and for which an MSO was not issued, the owner must establish that the jurisdiction from where the vehicle comes does not have any ownership documentation requirements regarding such vehicles and provide to Customs the original document that shows the basis for ownership or right of possession, such as a bill of sale, and two complete copies of that original document. Further, the owner must certify in writing to Customs that the procurement of the vehicle was a bona fide transaction, and that the vehicle presented for export is not stolen.

c. When presented:

(1) Exportation by vessel or aircraft. For those vehicles exported by vessel or aircraft, the required documentation and the vehicle must be presented to Customs at least 72 hours prior to export.

(2) Exportation at land border crossing points. For those vehicles exported by rail, highway, or under their own power.

(a) The required documentation must be submitted to Customs at least 72 hours prior to export; and

(b) The vehicle must be presented to Customs at the time of exportation.

d. Where presented. Careful attention should be paid to 19 CFR 192.2 (d), "Where presented." Port Directors will establish locations at which exporters must present the required documentation and the vehicles for inspection. Port Directors will publicize these locations, including their hours of operation.

e. Authentication of documentation. Customs will determine the authenticity of the documents submitted. Once determined, Customs will mark the original documents. In most cases the original document(s) will be returned to the exporter. In those cases where the original title document was presented to and retained by Customs and cannot be found

prior to the vehicle's export, the exporter's authenticated copy of the original documentation serves as evidence of compliance with the reporting requirements.

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